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ACTS

PASSED BY THE

GENERAL ASSEMBLY,

OF

THE TERRITORY OF

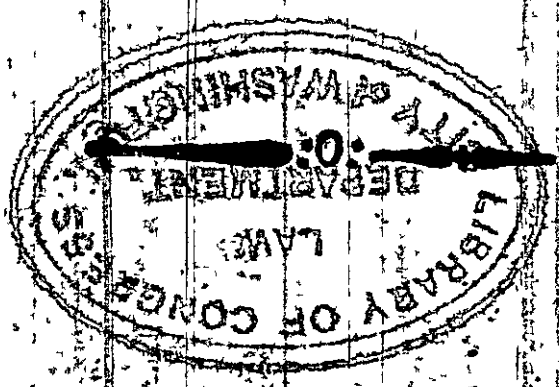
MISSOURI:

IN

JULY AND AUGUST,

ONE THOUSAND EIGHT HUNDRED

AND THIRTEEN.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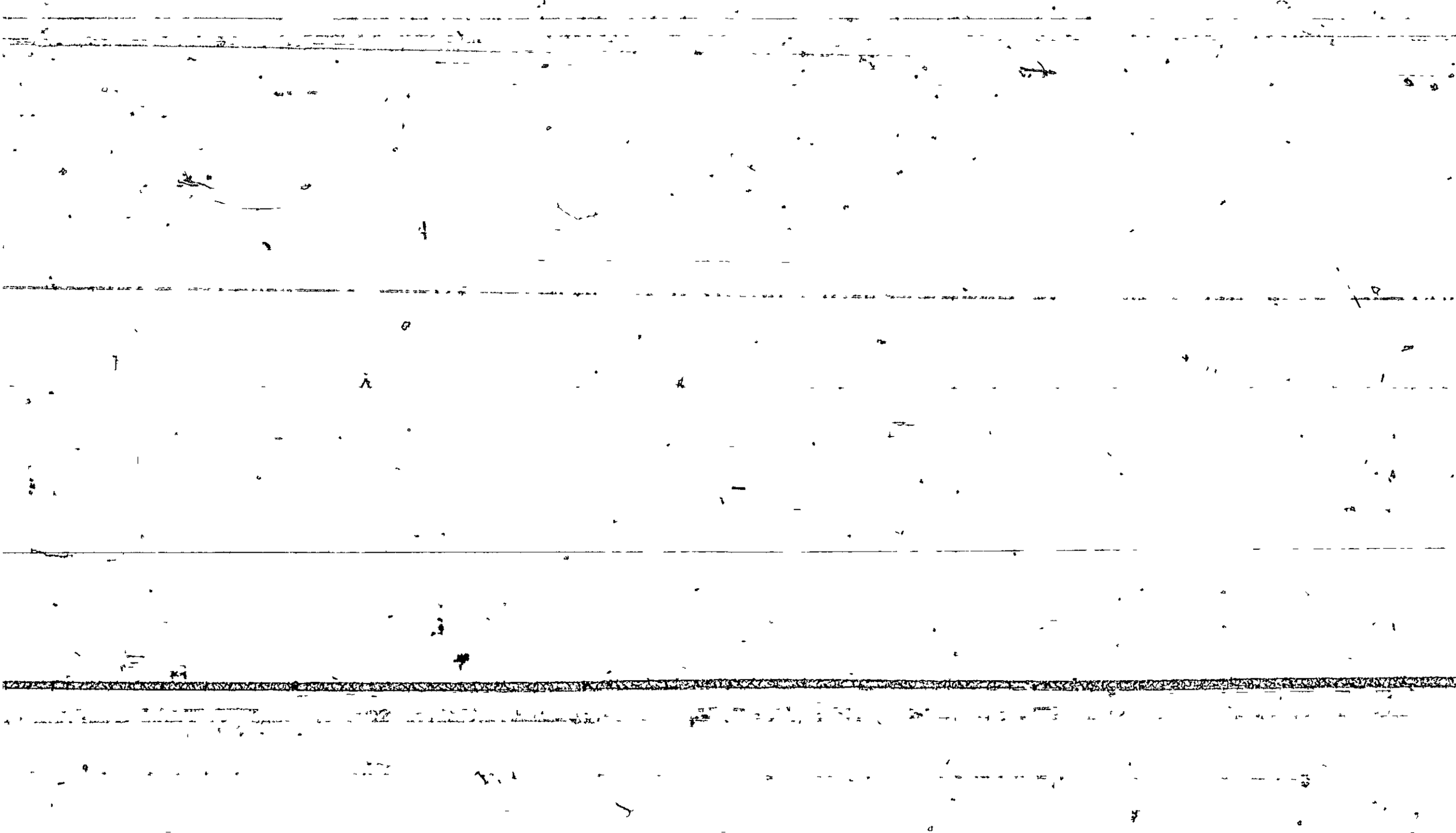

AN ACT

Providing for the government of the Territory of Missouri.

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory heretofore called Louiſiana ſhall hereafter be called Miſſouri, and that the temporary government of the territory of Miſſouri ſhall be organiſed and adminiſtered in the manner hereafter preſcribed. Miſſouri territory.

Sec. 2. *And be it further enacted*, That the Executive power ſhall be veſted in a governor, who ſhall reſide in the ſaid territory; he ſhall hold his office during the term of three years, unleſs ſooner removed by the Preſident of the United States, ſhall be commander in chief of the militia of the ſaid territory; ſhall have power to appoint and commiſſion all officers civil and of the militia, whoſe appointments are not therein otherwiſe provided for, which ſhall be eſtabliſhed by law; ſhall take care that the laws be The Executive powers and duties.

faithfully executed; shall have power to grant pardon for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; shall have power on extraordinary occasions to convene the general assembly, and he shall ex-officio be superintendent of Indian affairs.

Sec. 3. *And be it further enacted*, That there shall be a secretary whose commission shall continue in force for four years, unless sooner revoked by the President of the United States; he shall reside in the said territory; it shall be his duty, under the direction of the governor, to record and preserve all the proceeding and papers of the executive, and all the acts of the general assembly, and to transmit authentic copies of the same every six months to the President of the United States. In case of a vacancy of the office of governor, the government of the said territory shall be executed by the secretary.

Secretary's duties.

Sec. 4. *And be it further enacted*, That the legislative power shall be vested in a general assembly, which shall consist of the governor, a legislative council and an house of representatives. The general assembly shall have power to make laws in all cases, both civil and criminal, for the good government of the people of the said territory, not repugnant to or inconsistent with the constitution and laws of the United States; and

Legislative power.

shall have power to establish inferior courts, and to prescribe their jurisdiction and duties; to define the powers and duties of justices of the peace and other civil officers in the said territory, and to regulate and fix the fees of office, and to ascertain and provide for payment of the same, and for all other services rendered to the said territory, under the authority thereof. All bills having passed by a majority in the house of representatives, and by a majority in the legislative council, shall be referred to the governor for his assent, but no bill or legislative act whatever shall be of any force without his approbation.

Vested in general assembly.

Sec. 5. *And be it further enacted*, That that the legislative council shall consist of nine members to continue in office for five years, unless sooner removed by the President of the United States, and five of them shall be a quorum. The members of the legislative council shall be nominated and appointed in the manner following: as soon as representatives shall be elected, they shall be convened by the governor as hereafter prescribed, and when met, shall nominate eighteen persons, residents in the said territory one year preceding their nomination, holding no office of profit under the territory or the United States, the office of justice of the peace excepted, and each possessing in his own right two hundred acres of land therein, and return the names to the Presi-

Legislative Council.

How nominated and appointed.

dent of the United States, nine of whom the President, by and with the advice and consent of the Senate, shall appoint and commission to serve as aforesaid; and when a vacancy shall happen in the legislative council by death or removal from office, the house of representatives shall nominate two persons qualified as aforesaid for each vacancy, and return their names to the President of the United States, one of whom he, by and with the advice and consent of the Senate, shall appoint and commission for the residue of the term: and every five years, four months at least before the expiration of the time of service of the members of the legislative council, the house of representatives shall nominate eighteen persons, qualified as aforesaid, and return their names to the President of the United States, nine of whom shall be appointed and commissioned as aforesaid, to serve as members of the legislative council five years, if not sooner removed. No person shall be a member of the legislative council who hath not attained to the age of twenty-five years.

House of Representatives.

Sec. 6. *And be it further enacted*, That the house of representatives shall be composed of members elected every second year by the people of the said territory, to serve for two years. For every five hundred free white male inhabitants there shall be one representative, and so on progressively with the number of free white male inhabitants shall

the right of representation increase until the number of the representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the general assembly. No person shall be eligible or qualified to be a representative, who shall not have attained to the age of twenty one years, and who shall not have resided in the territory one year next preceding the day of election, and who shall not be a freeholder within the county in which he may be elected; and no person holding an office under the United States, or an office of profit under the territory shall be a representative. In case of vacancy by death, resignation, removal or otherwise of a representative, the governor shall issue a writ to the county, wherever a vacancy may be as aforesaid, to elect another person to serve the residue of the term. That all free white male citizens of the United States above the age of twenty one years, who have resided in said territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the general assembly of said territory.

How composed.

Vacancies how supplied.

Suffrage.

Sec. 7. *And be it further enacted*, That in order to carry the same into operation, the governor of the said territory shall cause to be elected thirteen representatives, and for that purpose shall proceed; as circum-

The governor to cause to be elected, 13 representatives, and to lay off counties.

ſtances may require, to lay off the parts of the ſaid territory, to which the Indian title hath been extinguiſhed, into convenient counties on or before the firſt Monday in October next, and give notice thereof throughout the ſame, and ſhall appoint the moſt convenient time and place within each of the ſaid counties for holding the elections and ſhall nominate a proper officer or officers to preſide at and conduct the ſame, and to return to him the names of the perſons who ſhall have been elected. All ſubſequent elections ſhall be regulated by the general aſſembly, and the number of repreſentatives ſhall be determined and the apportionment made in the manner herein before preſcribed.

Meeting of the repreſentatives—and of the General aſſembly.

Sec. 8. *And be it further enacted*, That the repreſentatives elected as aforeſaid, ſhall be convened by the governor in the town of St. Louis on the firſt Monday in December next; and the firſt general aſſembly ſhall be convened by the governor as ſoon as may be convenient at St. Louis, after the members of the legiſlative council ſhall be appointed and commiſſioned. The general aſſembly ſhall meet once in each year, at St. Louis, and ſuch meeting ſhall be on the firſt Monday in December annually, unleſs they ſhall by law appoint a different day. The legislative council and houſe of repreſentatives, when aſſembled ſhall each chooſe a ſpeaker and its other officers, and determine

Officers of both houſes.

the rules of its proceedings. Each house shall sit on its own adjournments from day to day. Neither house shall during the session, without consent of the other, adjourn for more than two days, nor to any other place than that where the two houses shall be sitting. The members of the general assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Rules.

Privilege.

Sec. 9. *And be it further enacted*, That all and every free white male person who, on the twentieth day of December, in the year one thousand eight hundred and three, was an inhabitant of the territory of Louisiana, and all free white male citizens of the United States who, since the said twentieth day of December, in the year one thousand eight hundred and three, emigrated, or who hereafter may emigrate to the said territory, being otherwise qualified according to the provisions of this act, shall be capable to hold any office of honor, trust or profit, in the said territory; under the United States, or under the said territory, and to vote for members of the general assembly and a delegate to Congress during the temporary government provided for by this act.

Who shall be eligible to office,

Sec. 10. *And be it further enacted*, That

The judicial power,

the judicial power ſhall be veſted in a ſuperior court, and in inferior courts and juſtices of the peace. The judges of the ſuperior court and juſtices of the peace ſhall hold their offices for the term of four years, unleſs ſooner removed: the ſuperior court ſhall conſiſt of three judges who ſhall reſide in the ſaid territory, any two of whom ſhall conſtitute a court; the ſuperior court ſhall

Duties.

have juriſdiction in all criminal caſes, and excluſive juriſdiction in all thoſe that are capital, and original and appellate juriſdiction in all civil caſes of the value of one hundred dollars; the ſaid judges ſhall hold their courts at ſuch times and places as ſhall be preſcribed by the general aſſembly. The ſeſſions of the ſuperior and inferior courts ſhall continue until all the buſineſs depending ſhall be diſpoſed of, or for ſuch time as ſhall be preſcribed by the general aſſembly. The ſuperior and inferior courts ſhall reſpectively appoint their clerks, who ſhall be commiſſioned by the governor and ſhall hold their offices during the temporary government of the ſaid territory, unleſs ſooner removed by the court.

Courts to appoint their clerks.

Grand and petit juries.

Sec. 11. *And be it further enacted*, That all free male white perſons of the age of twenty one years, who ſhall have reſided one year in the ſaid territory, and are not diſqualified by any legal proceeding, ſhall be qualified to ſerve as grand or petit jurors in the courts of the ſaid territory; and they ſhall, until the general aſſembly thereof ſhall otherwiſe direct, be ſelected in ſuch manner as the ſaid courts ſhall reſpectively preſcribe

ſo as to be moſt conducive to an impartial trial and leaſt burthenſome to the inhabitants of the ſaid territory.

Sec. 12. *And be it further enacted*, That the governor, ſecretary and judges for the territory of Miſſouri, authoriſed by this act, and all general officers of the militia, during the temporary government thereof, ſhall be appointed and commiſſioned by the Preſident of the United States, by and with the advice and conſent of the Senate; and the governor, ſecretary and judges ſhall reſpectively, receive for their ſervices the compenſations eſtabliſhed by law, to be paid quarter yearly out of the treaſury of the United States; the governor, ſecretary, judges, members of the legiſlative council, members of the houſe of repreſentatives, juſtices of the peace, and all other officers, civil and military, before they enter on the duties of their reſpective offices, ſhall take an oath or affirmation to ſupport the conſtitution of the United States, and for the faithful diſcharge of the duties of their office; the governor before a judge of the ſupreme or diſtrict court of the U. States or a judge of the ſaid territory; the ſecretary and judges before the governor; the members of the legislative council and houſe of repreſentatives before a judge of the ſaid territory; and the juſtices of the peace and all other officers before ſuch perſon as the governor ſhall appoint and direct.

Territorial officers how appointed.

Compenſations.

Oaths of office.

Sec. 13. *And be it further enacted*, That the citizens of the ſaid territory, entitled to

vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the U. States; and the delegate so elected shall possess the same powers, shall have the same privileges and compensation for his attendance in Congress, and for going to and returning from the same, as heretofore have been granted to and provided for a delegate from any territory of the United States.

Delegate to Congress.

Sec. 14. *And be it further enacted*, That the people of the said territory shall always be entitled to a proportionate representation in the general assembly; to judical proceedings according to the common law and the laws and usages in force in the said territory; to the benefit of the writ of habeas corpus. In all criminal cases the trial shall be by jury of good and lawful men of the vicinage; all persons shall be bailable unless for capital offences where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his life, liberty or property, but by judgment of his peers and the law of the land. If the public exigencies make it necessary for the common preservation, to take the property of any person or to demand his particular services, full compensation shall be made for the same. No ex post facto law impairing the obligation of contracts shall be made. No law shall be made which shall lay any person

Rights of the people.

under reſtraint, burthen or diſability, on account of his religious opinions, profeſſions or mode of worſhip, in all which he ſhall be free to maintain his own, and not burthened for thoſe of another. Religion, morality and knowledge, being neceſſary to good government and the happineſs of mankind, ſchools and the means of education ſhall be encouraged and provided for from the public lands of the U. States in the ſaid territory, in ſuch manner as Congreſs may deem expedient.

General Aſſembly not to interfere with the primary diſpoſal of the ſoil.

Sec. 15. *And be it further enacted.* That the general aſſembly ſhall never interfere with the primary diſpoſal of the ſoil by the United States in Congreſs aſſembled, nor with any regulation Congreſs may find neceſſary to make for ſecuring the title in the bona fide purchaſers. No tax ſhall be impoſed on the property of the United States. The lands of non reſident proprietors ſhall never be taxed higher than thoſe of reſidents. The Miſſiſippi and Miſſouri rivers, and the navigable waters flowing into them, and the carrying places between the ſame, ſhall be common highways and forever free to the people of the ſaid territory and to the citizens of the United States, without any tax duty or impoſt therefor.

Common highways.

Sec. 16. *And be it further enacted.* That the laws and regulations in force in the territory of Louiſiana, at the commencement of this act, and not inconſiſtent with the proviſions thereof ſhall continue in force until altered, modified or repealed by the general

Commissions of U. S. officers not vacated.

assembly And it is hereby declared that this act shall not be construed to vacate the commission of any officer in the said territory, acting under the authority of the United States, but that every such commission shall be and continue in full force as if this act had not been made. And so much of an act, entitled "An Act further providing for the government of the territory of Louisiana," approved on the third day of March one thousand eight hundred and five, and so much of an act, entitled "An Act for erecting Louisiana into two territories and providing for the temporary government thereof," approved the twenty sixth of March one thousand eight hundred and four, as is repugnant to this act shall from and after the first Monday in December next be repealed. On which first Monday in December next, this act shall commence and have full force *Provided* so much of it as requires the Governor of said territory to perform certain duties previous to the said first Monday in December next, shall be in force from the passage thereof.

Repeal of former laws.

H. CLAY,
Speaker of the House of Representatives.

WM H. CRAWFORD,
President of the Senate pro tempore.

APPROVED JUNE 4, 1812.

JAMES MADISON.

AN ACT

Regulating and establishing Weights and Measures.

BE *it enacted by the General Assembly of the territory of Missouri* That the ſeveral courts of common pleas within this territory, ſhall provide for their reſpective counties, and at the expence of their ſaid counties, one meaſure of one foot or twelve inches, Engliſh meaſure ſo called Alſo one meaſure of three feet or thirty ſix inches, Engliſh meaſure as aforeſaid, to be denominated one yard. Alſo one half buſhel meaſure, which ſhall contain one thouſand ſeventy five and one fifth ſolid inches to be denominated dry meaſure. Alſo one gallon meaſure which ſhall contain two hundred and thirty one ſolid inches; one half gallon meaſure which ſhall contain one hundred and fifteen and one half ſolid inches; and one quart meaſure which ſhall contain fifty ſeven and three fourths ſolid inches, which meaſures are to be of wood or any metal the court ſhall think proper. Alſo one ſet of weights commonly called avoirdupois weights, and one ſeal with the initial of the county inſcribed thereon, which meaſures, weights and ſeal ſhall be kept by the clerk of the court of common pleas in each county, for the purpoſe of trying and ſealing the meaſures and weights uſed in their counties.

Weights and meaſures to be provided by the courts as ſtandards.

And a ſeal to be kept by the clerks.

Sec. 2. *And be it further enacted*, That as ſoon as the courts ſhall have furniſhed the weights and meaſures as aforeſaid, they ſhall

cause notice thereof to be given at the court house door for two months. And any person who will knowingly keep any measures or weights and buy or self any commodity whatsoever by such measures or weights as shall not correspond with the measures and weights deposited in the clerk's office, shall, for every such offence, being legally convicted thereof, forfeit and pay a sum not exceeding forty dollars, nor less than five dollars, for the use of the county where such offence shall have been committed, and also the costs of suit to be recovered before any justice of the peace of said county: *Provided always*, That all contracts or obligations whatsoever made previous to the taking effect of this act shall be settled paid and executed agreeably to the weights and measures in common use at the time the said contracts or obligations were made or entered into. All persons desirous of having their weights and measures tryed by the county standard shall apply to the clerk of the county, and if he finds them correspond with the county standard shall seal them with the seal provided for that purpose.

Penalty for using other weights or measures.

Proviso.

Weights and measures to be sealed by the clerk.

Sec. 3. This act shall take effect and be in force from and after the first day of October next.

WILLIAM C. CARR.
Speaker of the House of Representatives.
JAMES MAXWELL,
President pro-tempore of the Legislative Council.

APPROVED. JULY 28, 1813.
WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

Establishing the office of Sheriff.

BE *it enacted by the General Assembly of the Territory of Missouri*, That there shall be appointed and commissioned by the governor a sheriff in each county in this territory, who shall hold his office for the term of two years unless sooner removed, who shall before he enters on the duties of his office take the oaths to support the constitution of the United States and faithfully to discharge the duties of his office: and shall give bond to the governor and his successors in office with at least two sufficient sureties to be approved of by the court of common pleas in term time or two judges thereof in vacation, in a penal sum not exceeding fifteen thousand, nor less than five thousand dollars, which bond shall be conditioned for the faithful discharge of the duties appertaining to his office of sheriff.

Sheriff to be appointed for two years.

Oath.

Bond.

Sec. 2. *And be it further enacted*, That the bond to be given as aforesaid shall be recorded in the office of the recorder in the county at the expence of the sheriff, and the original shall be filed in the office of the clerk of the court of common pleas. A copy of which bond shall be made out by the recorder or the clerk, at the instance and expence of any person or persons applying for the same; and which bond may be sued on from time to time for the use of any person who may think himself, herself or them-

To be recorded and filed.

May be sued on.

Pts. liable for costs.

selves agrieved: *Provided however*, That the person or persons at whose instance suit shall be commenced as aforesaid shall be liable for the payment of costs as plaintiff in all other cases; And where, in the opinion of the court it may be necessary such person or persons shall be compelled to enter security for costs as in other cases.

Sheriffs duties.

Sec. 3. *And be it further enacted*, That the duties of each sheriff shall be to keep the peace by causing all offenders against law in his view to enter into recognizances with sureties for keeping the peace, and appearing at the next court of common pleas in the county, and to commit in cases of refusal; and which recognizances shall, by the said sheriff be returned and certified before the said court of common pleas. And it shall be his duty to quell and suppress all affrays, riots, routs and insurrections, and for which end he shall and is hereby empowered to call to his aid the power of the county; he shall pursue, apprehend and commit to jail all felons and traitors. He shall execute all warrants, writs and other process which by law shall appertain to the duties of his office, and which shall be directed to him by legal authority. He shall duly attend upon all courts of record at their respective terms or sessions in his county.

Repeal of former laws.

Sec. 4. *And be it further enacted*, That the law entitled "A Law establishing the office of sheriff," passed by the Governor and

Judges of the Indiana territory, eighteen hundred and four shall be and the same is hereby repealed: *Provided*, That nothing herein contained shall effect the right of any person or persons, that accrued under the above recited act, but all proceedings may be had therein the same as if this act had not been passed. This act shall take effect and be in force from and after the first day of October next.

WILLIAM C. CARR,
Speaker of the House of Representatives.
JAMES MAXWELL,
President pro-tempore of the Legislative Council.

APPROVED JULY 29, 1813.

WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

To regulate the mode of taking the enumeration of free, white, male inhabitants.

BE *it enacted by the General Assembly of the territory of Missouri*, That it shall be the duty of the sheriffs in each county within this territory; and it is hereby made their duty to take the enumeration of all free, white, male inhabitants in their respective counties, designating in a seperate column the name and number of those above the age of twenty one years. Each of the said sheriffs or their deputies before entering on their duties shall take an oath or af-

Enumeration to be made by the sheriffs.

firmation, before ſome juſtice of the peace of the county, in form following, to wit: you A. B, do ſolemnly ſwear or affirm, that you will take a juſt and true enumeration of all free, white, male inhabitants in the county of and make a true return thereof to the clerk of the court of common pleas of ſaid county within the time preſcribed by law; to the beſt of your abilities. The firſt enumeration ſhall commence on the firſt Monday of October next, and on the firſt Monday of ſaid month every ſecond year thereafter, and ſhall be cloſed within forty days after the commencement thereof. And it ſhall be the duty of the ſheriff taking ſuch enumeration to make return of all free, white, male inhabitants as aforeſaid, together with a certificate of the oath by him taken, to the clerk of the court of common pleas of the proper county, within ten days after the ſame ſhall be completed. Any ſheriff failing or neglecting ſo to do ſhall forfeit and pay the ſum of three hundred dollars.

Oath.

When to commence.

Returns.

Penalty for neglect.

Sec. 2. *And be it further enacted*, That the clerks of the courts of common pleas, reſpectively ſhall file the ſeveral returns as aforeſaid, and carefully preſerve the ſame and ſhall tranſmit under their hands and ſeals of their counties to the ſpeaker of the houſe of repreſentatives within ten days after the commencement of the ſeſſion of the General Aſſembly next enſuing a tranſcript of ſaid enumeration and return within their reſpec-

Clerks to file returns of ſheriffs.

Tranſmit copies to general aſſembly.

five counties, agreeably to the returns to them made as aforesaid, for which he shall be allowed out of the county revenue five dollars, and if any clerk of said court shall neglect or refuse to perform all or any of the duties aforesaid imposed on him by this act, he shall forfeit and pay for every such offence a sum not exceeding three hundred dollars.

Fee.

Penalty for neglect.

Sec. 3. *And be it further enacted*, That the sheriff shall enumerate all free, white, male inhabitants whose usual place of residence shall be in any family within his county, and all who shall be found within his county without a settled place of residence, but are nevertheless inhabitants of the county at the time of taking the enumeration. And the said sheriff shall be allowed out of the county treasury the sum of two dollars for every day he may be employed in taking the enumeration aforesaid: *Provided nevertheless*, That no sheriff shall be allowed or paid for more than forty days for taking the enumeration by this act directed.

Territy. inhabitants to be enumerated.

Sheriff's compensation.

Sec. 4. *And be it further enacted*, That all fines or penalties imposed by this act shall be recovered with costs of suit by action of debt in any court having cognizance of the same. The prosecution shall be in the name of the county, and the fine or penalty recovered accrue to its use.

Penalties how recovered and appropriated.

In force. This act shall take effect and be in force from and after the passage thereof.

GEO. BULLIT.
Speaker of the House of Representatives.

S. HAMMOND,
President of the Legislative Council.

APPROVED, AUGUST 12, 1813,

WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

Fixing permanently the seat of Justice, and public buildings in the county of Cape Girardeau.

BE *it enacted by the General Assembly of the territory of Missouri*, That John Davis, John Shepherd, Samuel G. Dunn, Abraham Byrd and Benjamin Shell, be and they are hereby appointed commissioners with full and ample powers to point out and fix upon the most suitable and convenient place in the county of Cape Girardeau, for erecting a court house and jail thereon; and the place to be agreed on by them, or a majority of them, shall and the same is hereby declared to be the permanent seat of justice for the county of Cape Girardeau.

Commissioners appointed to select a convenient place.

To be permanent.

SEC. 2. *And be it further enacted*, That from and immediately after the expiration of the time appointed for holding the next term of the court of common pleas, in and for the

Temporary place may be chosen.

ſaid county of Cape Girardeau, the ſame ſhall be held at the moſt convenient place that the ſaid commiſſioners can procure for that purpoſe, until a permanent ſeat be fixed on, and a court houſe be erected in purſuance of this act.

Sec. 3. *And be it further enacted*, That the ſaid John Davis, John Shepherd, Samuel G. Dunn, Abraham Byrd and Benjamin Shell are hereby declared to be commiſſioners of the court houſe and jail of the county aforeſaid, and they or a majority of them ſhall be, and they are hereby fully authoriſed and empowered to purchaſe or otherwiſe procure a title in fee ſimple for ſuch lot of land as they or a majority of them ſhall judge moſt convenient for the ſeat of the aforeſaid public buildings, containing not leſs than fifty acres, nor more than two hundred; and they the ſaid commiſſioners are hereby authoriſed and empowered to take and receive to them, their heirs, executors and adminiſtrators, from the perſon or perſons from whom they ſhall purchaſe a good and ſufficient general warranty deed or deeds, which ſaid deed or deeds ſhall be taken to them the ſaid commiſſioners their heirs, executors and adminiſtrators, in truſt to and for the uſe and benefit of the county of Cape Girardeau; and the ſaid land ſo by them purchaſed, they or a majority of them ſhall cauſe to be laid off into lots or ſquares; and the lots or ſquares ſo to be laid off (reſerving ſuch as may be neceſſary for the public buil-

Commiſſioners to purchaſe a lot of not leſs than 50 nor more than 200 acres.

Deeds for benefit of county.

To be laid off into lots or ſquares.

And ſo

dings) shall be sold by and under the direction of the aforesaid commissioners, either for ready cash, or on such credit not exceeding one year as they shall deem expedient for the good of the county; and they the said commissioners or a majority of them shall make, execute and deliver to the purchaser or purchasers of such lot or lots so by them sold, a good and sufficient deed or deeds, in the name of the county of Cape Girardeau with such warranty as they shall receive when they purchase the same. *Provided nevertheless*, That the said commissioners as aforesaid shall not make, execute or deliver to any person or persons purchasers of the lots so by them to be sold any deed or deeds, until the last payment of the purchase money for said lot or lots shall be fully made to them, any thing in this act to the contrary notwithstanding; and the proceeds of such sale or sales, after paying the purchase money shall be by them applied and appropriated to the carrying the objects of this act into full effect; and so soon as the commissioners herein named shall have procured a form which may by them be deemed adequate to the building a court house and jail or either of them by sale of the aforesaid lots, gifts, subscriptions or donations, they the before named John Davis, John Shepherd, Samuel G. Dunn, Abraham Byrd and Benjamin Shell are hereby authorised and empowered to let the public buildings aforesaid to the lowest bidder, first giving thirty days public

Deeds to purchasers.

Proviso.

When.

The commissioners to contract for building court house and jail.

notice at three or more of the moſt public places in the ſaid county and on ſuch plan as they or a majority of them may deem proper.

Sec. 4. *And be it further enacted*, That it ſhall be the duty of the ſecretary of the territory, as ſoon as may be to notify the commissioners of their ſeveral appointments; and the commissioners ſo appointed before they enter on the duties of their office ſhall take an oath or affirmation before ſome juſtice of the peace, faithfully to diſcharge the duties assigned them by this act, and ſhall moreover give bond with at leaſt two ſufficient ſureties to be approved of by the judges of the court of common pleas of the county of Cape Girardeau in the penal ſum of five thouſand dollars, conditioned that they will, well, truly and faithfully and honeſtly appropriate and diſpoſe of all and every part of the monies that ſhall come into their hands as commissioners aforeſaid for the uſe of ſaid county, to the ſole uſe and benefit of ſaid county, and to carry into full force and effect the objects of the law entitled 'An Act fixing permanently the ſeat of juſtice and public buildings in the county of Cape Girardeau' and further, that if there ſhould be any balance or reſidue left or remaining in their or either of their hands after the objects of ſaid law are accompliſhed, that they and each of them will, under the direction of the court of common pleas for ſaid county, pay the ſame into the treaſury of the ſaid county, or any other perſon or

Secretary of territory to notify commissioners.

Commissioners to take oath and give bond.

Conditions.

persons the said court shall direct; which said bond to be given to the judges of the court of common pleas for the said county and to their successors in office for the use of the county of Cape Girardeau. And the commissioners shall moreover render at each session of the court of common pleas for said county in term time, a just and true account how far they have proceeded under this act, what purchase or purchases they have made, what sale or sales they have executed, and what monies they have received, how much is still due and when payable.

To whom given.

Information to be given to the court.

Sec. 5. *And be it further enacted*, That if any of the commissioners aforesaid herein appointed shall die, be removed from office, resign or refuse to act, or his commission become vacant in any other way, then, and in that case there shall be nominated and appointed by the court of common pleas or county court for said county the same number of commissioners whose place shall thus become vacant, who shall take the same oath, give the same bond, and have the same powers and perform the same duties, as is herein before enacted in the case of the commissioners appointed by this act.

How vacancies to be supplyed.

Sec. 6. *And be it further enacted*, That the commissioners herein before appointed or who shall hereafter be appointed by virtue of this act shall receive such compensation for their trouble, expenditures and attendance to the duties assigned them by this act as shall be allowed them by the court of

common pleas or county court of the ſaid county, which ſaid compenſation ſhall be reaſonable and juſt, to be adjudged of by the court and the ſaid court may allow them the ſame on the ſettlement of their commiſſioners' accounts, and if there is not ſufficient left in their hands of the funds they ſhall have received for the county to pay and ſatisfy them then the ſaid court ſhall give them and each of them, a certificate that they are allowed ſuch a ſum for their ſervices under this act, and direct the treaſurer of the ſaid county to pay the ſame to them or each of them. And the ſaid certificate ſo given by the court to them and each of them as aforeſaid, ſhall be a lawful tender by them or either of them to any collector of county tax or revenue, for any debt or tax to the county.

Compenſation of the commiſſioners.

Sec. 7. *And be it further enacted*, That when the commiſſioners herein before appointed and contemplated and the commiſſioners who may hereafter be appointed by virtue of this act, ſhall have fully and completely diſcharged and fulfilled the duties and objects aſſigned them by this act, it ſhall be their duty at the next court thereafter to preſent themſelves to the court of common pleas or county court with their accounts and proceedings under this act, for a final ſettlement of all their tranſactions and proceedings under this act; and it ſhall be the duty of the court, immediately to proceed to ſettle and adjuſt all the accounts and pro-

Final ſettlement of the commiſſioners.

ceedings of the ſaid commiſſioners under this act, on which ſaid final ſettlement, if the court are ſatisfied the ſaid court ſhall proceed to give to all and each of the comiſſioners aforeſaid a final diſcharge from the duties aforeſaid aſſigned them by this act, and ſhall cauſe ſatisfaction to be entered up by the clerk of the court on their bond or bonds. And the ſaid commissioners ſhall moreover on that ſettlement, ſhould any land remain unſold, that have come into their hands by virtue of this act, they and each of them ſhall jointly and ſeverally make, execute and deliver to the judges of the ſaid court for the uſe of the county forever after, a releaſe and final quit claim from them their heirs, executors and adminiſtrators of all right, title, claim and intereſt which they or either of them ſhall have acquired in to and for the whole or any part of the lands, lots, houſes, &c. that they ſhall have purchaſed as commissioners by virtue of this act or that ſhall have been in any manner veſted in them as commissioners aforeſaid, which ſaid releaſe they ſhall, and each of them acknowledge in open court; and it ſhall be there recorded; which ſaid releaſe and acquittal ſo by them made, ſhall veſt in the court aforeſaid, for the uſe of the county aforeſaid, forever, all the right, title, claim and intereſt which they have, or ever had veſted in them or each of them as commissioners aforeſaid under this act; and the ſaid court ſhall have power thereafter to ſell and diſpoſe of the ſaid lot or

Lands ſtill remaining to be conveyed to the court.

lots of land ſo remaining unſold on the final ſettlement with the commiſſioners aforeſaid to any perſon or perſons who ſhall purchaſe the ſame and give ſuch deed or deeds to the purchaſers as is hereby before provided to be given by the commiſſioners making ſale of the ſame, ſubject to the ſame rules as are herein before provided in the caſe of the commiſſioners making deeds; and the money or monies ſo received by them ſhall be paid over to the treaſurer of the county, and be a fund for county purpoſes as the court ſhall direct.

Court may then make ſales.

Sec. 8. *And be it further enacted*, That all former laws on the ſubject of the eſtabliſhment of the ſeat of juſtice in the county of Cape Girardeau ſo far as they militate againſt this law, be and they are hereby repealed.

Repeal of former laws.

Sec. 9. This act ſhall take effect and be in force from and after the paſſage thereof.

GEO. BULLET.
Speaker of the House of Repreſentatives.

S. HAMMOND,
President of the Legiſlative Council.

APPROVED, AUGUST 13, 1813,

WILLIAM CLARK,
Governor of Miſſouri Territory.

AN ACT

Fixing permanently the seat of Justice, and public buildings in the county of New Madrid.

Commissioners appointed to select a convenient place.

BE it enacted by the General Assembly of the territory of Missouri That Samuel Cobber, Thomas Windsor, Daniel Sparks, John Guerthing and John Tucker, shall be and they are hereby appointed commissioners with full and ample powers to point out and fix upon the most suitable and convenient place in the county of New Madrid for erecting a court-house and jail thereon, and the place to be agreed on by them or a majority of them shall and the same is hereby declared to be the permanent seat of justice for the county of New Madrid.

To be permanent.

Sec. 2. *And be it further enacted*, That from and immediately after the expiration of the time appointed for holding the next term of the court of common pleas in and for said county of New Madrid, the same shall be held at the most convenient place that the said commissioners can procure for the purpose, until a permanent place be fixed upon and a court house erected in pursuance of this act.

Temporary place may be chosen.

Sec. 3. *And be it further enacted*, That the said Samuel Cooper, Thomas Windsor, Daniel Sparks, John Guerthing and John Tucker are hereby declared to be commissioners of the court house and gaol of the aforesaid county, and they or a majority of them shall be and they are hereby fully au-

Commissioners to purchase a lot—of not less than 50 nor more than 200 acres.

thorised and empowered to purchase or otherwise procure a title in fee simple for such lot of land as they or a majority of them shall judge most convenient for the seat of the aforesaid public boildings, containing not less than fifty acres nor more than two hundred acres; and they the said commissioners are hereby authorised and empowered to take and receive to them, their heirs, executors and administrators, from the person or persons from whom they shall purchase, a good and sufficient general warranty deed or deeds, which said deed or deeds shall be taken to them the said commissioners, their heirs, executors and administrators in trust to and for the use and benefit of the county of New Madrid. And the said land so by them purchased, they or a majority of them shall cause to be laid off into lots or squares, and the lots or squares so to be laid off (reserving such as may be necessary for the public buildings) shall be sold by and under the direction of the aforesaid commissioners, either for ready cash, or such credit not exceeding one year, as they shall deem expedient for the good of the county; and that they the said commissioners, or a majority of them shall execute and deliver to the purchaser or purchasers of said lot or lots by them sold a good and sufficient deed or deeds in the name of the said county of New Madrid, with such warranty as they shall receive when they shall purchase the same. *Provided nevertheless* that the said commissioners as aforesaid shall not make, execute or deliver to any person or

Needs for benefit of county.

Lot or squares.

Sold and.

Deeds to purchasers.

Proviso.

persons purchasers of the lots so by them to be sold any deed or deeds until the last payment of the purchase money for said lot or lots be fully made to them, any thing in this act to the contrary notwithstanding. And the proceeds of such sale or sales after paying the purchase money shall be by them applied and appropriated to carrying the objects of this act into full effect: and so soon as the commissioners herein named shall have procured a sum, which may by them be deemed adequate to the building a court house and gaol, or either of them, by sale of the aforesaid lots, gifts, subscriptions or donations, they the before named Samuel Cooper, Thomas Windsor, Daniel Sparks, John Guerthing and John Tucker are hereby authorised and empowered to let the buildings aforesaid to the lowest bidder, first giving thirty days public notice, at three or more of the most public places in the said county, and at such place as they or a majority of them may deem proper.

When the commissioners to contract for building court house & jail.

Sec. 4. *And be it further enacted*, That it shall be the duty of the secretary of the territory as soon as may be, to notify the commissioners of their several appointments, and the commissioners so appointed, before they enter on the duties of their office shall take an oath or affirmation before some justice of the peace faithfully to discharge the duties assigned them, and shall moreover give bond with at least two sufficient sureties to be approved of by the judges of the court of common pleas for the

Secretary of territory to notify commissioners.

Commissioners to take oath and give bond.

county of New Madrid, in the penal ſum of one thouſand dollars, conditioned that they will, well, truly, faithfully and honeſtly appropriate and diſpoſe of all and every part of the money which ſhall come into their hands or poſſeſſion as commiſſioners aforeſaid for the uſe of ſaid county, to the ſole, uſe and benefit of the ſaid county, and to carry into full force and effect the objects of this law, entitled 'An Act fixing permanently the ſeat of juſtice and public buildings in the county of New Madrid. And further that if there ſhould be any balance or reſidue left or remaining in their hands after the objects of ſaid law are accompliſhed, that they and each of them, will under the direction of the court of common pleas for ſaid county, pay the ſame into the treaſury of the ſaid county or to any other perſon or perſons the ſaid court ſhall direct, which ſaid bond ſhall be given to the judges of the court of common pleas for ſaid county and to their ſucceſſors in office for the uſe of the ſaid county of New Madrid; and the commiſſioners ſhall moreover render, at each ſeſſion of the court of common pleas for ſaid county, from time to time, a juſt and true account how far and they have proceeded under this act, what purchaſe or purchaſes they have made, what ſale or ſales they have executed, and what monies they have received, how much is ſtill due and when payable.

Conditions.

To whom given.

Information to be given to the court.

Sec. 5, *And be it further enacted*, That

How vacancies to be supplyed.

if any of the commissioners aforesaid, herein appointed shall die, be removed from office, resign, or refuse to act or his place become vacant, in any other way, that then and in that case there shall be nominated and appointed by the court of commmon pleas or county court for the county the same number of commissioners whose place shall thus become vacant, who shall take the same oath, give the same bond and have the same powers, and perform the same duties as is herein before enacted in the—commissioners appointed by this act.

Compensation of the commissioners.

Sec. 6 *And be it further enacted*, That the commissioners herein before, or who shall be hereafter appointed by virtue of this act shall receive such compensation for their trouble and expenditures and attendance to the duties assigned them by this act as shall be allowed them by the court of common pleas or county court of the county, which said compensation shall be reasonable and just, to be adjudged of by the court—and the said court may allow them the same on settlement of their commissioners accounts; and if there is not sufficient left in their hands of the funds they shall have received for the county to pay and satisfy them, then the said court shall give them and each of them certificate that they are allowed such a sum for their services under this act, and direct the treasurer of said county to pay the same to them or each of them, and the said certificates to given by the court to them as a-

forefaid ſhall be a lawful tender by them or either of them to any collector of county tax or revenue, for any debt or tax due to the county.

Final settlement of the commissioners.

Sec. 7. *And be it further enacted*, That when the commissiouers herein before appointed and contemplated, and the commissioners that may herein after be appointed by virtue of this act ſhall have finally and completely diſcharged and fulfilled the duties and objects assigned them by this act, it ſhall be their duty at the next court thereafter to preſent themſelves to the court of common pleas or county court with their accounts and proceedings under this act for a final ſettlement of all their transactions and proceedings under this act—and it ſhall be the duty of the court immediately to proceed to ſettle and adjuſt all the accounts and proceedings of the ſaid commissioners under this act, and which ſaid final ſettlement if the court are ſatisfied, the ſaid court ſhall proceed to give to all and each of the commiſſioners aforeſaid a final discharge from the duties aſſigned them by this act, and ſhall cauſe satisfaction to be entered up by the clerk of the court, on their bond or bonds; and the ſaid commiſſioners ſhall moreover on that ſettlement ſhould any lands remain unſold that have come into their hands by virtue of this act, they and each of them ſhall jointly and ſeverally make, execute and deliver to the judges of the court, for the uſe of the county forever after, a releaſe

Lands ſtill remaining to be conveyed to the court.

and final quit claim from them, their heirs executors and adminiſtrators, of all right, title, claim and intereſt which they or either of them ſhall have acquired, in to and for the whole or any part of the lands, lots, houſes, &c. that they ſhall have purchaſed as commiſſioners by virtue of this act, or that ſhall have been, in any manner veſted in them as commissioners aforesaid, which ſaid releaſe they ſhall, and each of them acknowledge in open court, and it ſhall be there recorded, which ſaid releaſe and acquittal ſo by them made ſhall veſt in the court aforeſaid for the uſe of the county aforeſaid, all the right title, claim and intereſt, they have or ever had veſted in them or either of them as commiſſioners aforeſaid, under this act.

Court may then make ſales.

And the ſaid court ſhall have power thereafter to ſell and diſpoſe of the ſaid lot or lots of land ſo remaining unſold on the final ſettlement with the commiſſioners aforeſaid to any perſon or perſons who ſhall purchaſe the ſame, and give ſuch deed or deeds to the purchaſers as is herein before provided in case of the commiſſioners making deeds, and the money or monies ſo received by them ſhall be paid over to the treaſurer of the county and be a fund for county purpoſes, as the court ſhall direct.

Former laws repealed.

Sec. 8. *And be it further enacted*, That all former laws on the ſubject of the eſtabliſhment of the ſeat of juſtice in the county of New Madrid, ſo far as they militate againſt this law be and the ſame are hereby repealed.

This act ſhall take effect and be in force from and after the firſt day of October next.

GEO. BULLIT,
Speaker of the Houſe of Repreſentatives.

S. HAMMOND,
Preſident of the Legiſlative Council.

APPROVED, AUGUST 14, 1813.

WILLIAM CLARK,
Governor of Miſſouri Territory.

AN ACT

Allowing compenſation to the members of the preſent General Aſſembly, and for other purpoſes.

BE *it enacted by the General Aſſembly of the territory of Miſſouri*, That each and every member of the legiſlative council and houſe of repreſentatives attending the preſent general aſſembly, ſhall be entitled to receive for each days attendance on the buſineſs of legiſlation the ſum of three dollars; and alſo ſhall be allowed three dollars for every thirty miles of the eſtimated diſtance by the moſt uſual road from his place of reſidence to the ſeat of government for going to and returning from the ſame. Compenſation to both houſes 3 dolls. per day. Mileage.

Sec. 2. *And be it further enacted*, That there ſhall be paid to the clerk of the legiſlative council, and the clerk of the houſe of repreſentatives ſix dollars each for every day they may have been employed in the buſineſs of their reſpective houſes; and there Clerks 6 dolls.

Door Keepers 1-50.

ſhall be allowed and paid to the door keeper of the legiſlative council and houſe of repreſentative reſpectively the ſum of one dollar and fifty cents for each and every day's attendance during the preſent ſeſſion of the general Aſſembly.

Compensation for December seſsion.

Sec. 3. *And be it further enacted*, That there ſhall be allowed to the members of the houſe of repreſentatives, and their clerk, who attended at the ſeat of government in December laſt, for the purpoſe of nominating the legiſlative council, the ſame compenſation that is allowed by this act to the members and clerks of the preſent general aſſembly.

How certified.

Sec. 4. *And be it further enacted* That the compenſation which ſhall be due to the members of the legiſlative council and houſe of repreſentatives and their officers, ſhall be certified by the preſident of the legiſlative council and ſpeaker of the houſe of repreſentatives reſpectively, which certificate ſhall be, to the territorial auditor ſufficient evidence of claim; and the auditor ſhall thereupon iſſue his warrants or certificates to the ſeveral perſons entitled thereto by this act, payable at the territorial treaſury. And the treaſurer ſhall redeem ſuch certificates, with any money which now is or hereafter may be in the treaſury.

Auditor to iſſue warrant.

Treaſurer to redeem.

This act shall take effect and be in force from and after the passage thereof.

GEO. BULLITT,
Speaker of the House of Representatives.

S. HAMMOND.
President of the Legislative Council.

APPROVED, AUGUST 16, 1813.

WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

In addition to the several acts in this territory for the punishment of certain crimes.

BE *it enacted by the General Assembly of the Territory of Missouri*, That if any person or persons within this territory shall falsely make, forge or counterfeit or cause or procure to be falsely made forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of or purporting to be a bill or note issued by order of the president, directors and company of any bank of the United States, or any individual state or territory or body politic, or any order or check on any bank or corporation, or any cashier thereof, or shall falsely alter or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any bill or note issued by the president, directors and company of any bank of the United States, or any in-

Forging, counterfeiting &c.

Bank bills.

dividual ſtate or territory or body politic any order or check on any bank, or corporation or any caſhier thereof, or ſhall paſs, utter, publiſh, or attempt to paſs, utter or publiſh as true, any falſe, forged or counterfeited bill or note iſſued by order of the preſident, directors and company of any bank of the United States or any individual ſtate or territory or body politic or any falſe, forged and counterfeited order or check upon any bank or corporation, or any caſhier thereof, knowing the ſame to be falſely forged or counterfeited, or ſhall paſs, utter or publiſh or attempt to paſs, utter or publiſh as true, any falſely altered bill or note iſſued by order of the preſident, directors and company of any bank of the United States or any individual ſtate or territory or body politic or any falſely altered order or check, on any bank or corporation or any caſhier thereof knowing the ſame to be falſely altered with intention to defraud the ſaid corporation or any other body politic or perſon, every ſuch perſon, ſhall be deemed and adjudged guilty of felony and being thereof convicted by due courſe of law ſhall be ſentenced to be impriſoned for a period not leſs than ſix months, nor more than five years, and fined not exceeding one thouſand dollars; and ſhall, from and after ſuch conviction be incapable of holding any office of profit or truſt in this territory or of being a witneſs or juror or of voting at any election.

Or altered bills.

Puniſhment.

Sec. 2. *And be it further enacted*, That

if any perſon ſhallfalſely make, forge or counterfeit or cauſe or procure to be falſely made forged or counterfeited, or willingly aid or aſſent in falſely making forging counterfeiting any gold or ſilver coins which have been or which hereafter ſhall be coined in the United States or made current money of the United States by any law of the United States, and which is current or ſhall be current money in this territory; or if any perſon ſhall utter as true, or aid or aſſiſt in uttering as true any falſe, forged or counterfeited coins of gold or ſilver as aforeſaid, for the payment of money, with intention to defraud any perſon or perſons, knowing the ſame to be falſely made, forged or counterfeited the perſon ſo offending ſhall be deemed guilty of felony, and being thereof convicted according to law, ſhall be fined in a sum not leſs than one hundred dollars, nor more than one thousand dollars; and ſhall be imprisoned not leſs than three months. nor more than three years, and moreover continue committed till the fine and coſts are paid—and ſhall be incapable of holding any office of truſt or profit under the territory, of being a witneſs or Juror or of voting at any election.

Forging or counterfeiting the gold or ſilver coins of U. S.

Punishment.

Sec. 3. Any perſon or perſons on conviction of larceny ſhall be whipped on his or her bare back not exceeding thirtynine ſtripes, at the diſcretion of the court; or who ſhall be convicted of ſtealing any hog, or horſe, mare or gelding or ſheep, or who ſhall be convicted of robbery or arſon under the laws of this territory, in addition to the punishment inflicted by ſaid law, ſhall be

Larceny punishment.

incapable of holding any office of profit or truft within this territory or of being a witnels or juror, or of voting at any election.

Sec 4. *And be it further enacted.* That fo much of the 33d fection of the act entitled 'An Act for the punifhment of certain crimes,' paffed the fourth day of November 1808, as enables a jury in all cafes of conviction under faid act to afcertain the amount of private damages, which the injured party fhall receive of the party convicted, fhall be and fame is hereby repealed.

Sec 5. So much of any act of this territory as is inconfiftent with the provifions of this law fhall be and the fame are hereby declared to be repealed, from and after the firft day of September next, from which time this act fhall take effect and be in force.

GEO. BULLITT,
Speaker of the House of Representatives.

S. HAMMOND,
President of the Legislative Council.

APPROVED, AUGUST 18, 1813.

WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

To prevent forcible Entry and Detainer.

BE it enacted by the General Assembly of the territory of Missouri, That no perſon or perſons ſhall hereafter make any entry into any lands, tenements or other poſſeſſions, but in caſes where entry is given by law, and in ſuch caſe, not with ſtrong hand, nor with multitude of people, but only in a peaceable and eaſy manner: and if any perſon or perſons from henceforth, do to the contrary, he ſhall be taken and deemed to have entered with force and ſtrong hand, as is herein after provided, and it ſhall not be deemed neceſſary for the complainant as herein after named to make any other proof of the forcible entry and detainer with ſtrong hand, or of the forcible detainer only, than that he was lawfully poſſeſſed of the premiſes, and that the defendant unlawfully entered into or detained the ſame from him or them.

What ſhall be deemed forcible entry.

Sec. 2. *And be it further enacted*, That any two juſtices of the peace ſhall have authority to enquire by jury as herein after directed, as well againſt thoſe who make unlawful and forcible entry into lands and tenements and with a ſtrong hand detain the ſame, as againſt thoſe who having lawful and peaceable entry into lands or tenements, unlawfully and by force hold the ſame—and if it be found upon enquiry that an unlawful and forcible entry hath been made, and that the ſame lands or tenements are

Two juſtices may enquire by jury.

held and detained with force and strong hands, or that the same after a lawful entry are held unlawfully or with force and strong hand, then such justices shall cause the party complaining to have restitution thereof.

Restitution.

Application to the justices.

Sec. 3. *And be it further enacted*, That when complaint shall be personally made in writing to any two justices of the peace in the county in which the lands and tenements lie of any unlawful and forcible entry into lands or tenements and detainer as aforesaid; or of any unlawful and forcible detainer after a peaceable entry, they shall make out their summons, according to the form in this act prescribed, under their hands and seals, directed to the sheriff, or to the coroner, as the case may be, of the same county, commanding him to cause to come before them, the person against whom the complaint shall be made, at a day in such summons named which shall not be less than six days nor more than twelve days from the time of issuing said summons, and at a place therein named; and which said summons shall be served at least five days before the return day thereof, either by reading the same to the defendant or defendants, or by leaving a copy thereof, at their respective places of abode; and they shall also issue a precept to the said sheriff or coroner in the form herein after prescribed, commanding him to cause to come before them, twelve good and lawful men to be qualified to serve as jurors, as is provided in the act regulating the mode of selecting and

Summons.

How served.

Precept for Summoning a jury.

returning jurors, at a certain time and place in such precept to be mentioned, and at the same time and place appointed for the trial or hearing of the said complaint:—and if a sufficient number of jurors summoned by the sheriff or coroner do not attend or are set aside by challenge, the said justices may order the sheriff or coroner to complete the number by returning others *forthwith*. And the jury being empannelled, shall be sworn well and truly to try the forcible entry and detainer complained of, and a true verdict thereon to give according to evidence. And if the jury after a full hearing find the person or persons complained against guilty of the forcible entry or detainer, they shall all sign the verdict, and the said justices shall enter up judgment for the complainant to have restitution of the premises, and shall tax costs for the complainant, and shall also award their writ of restitution, according to the form prescribed by law. But if the jury find that the person complained against is not guilty, the complaint in their opinion not being supported, the said justices shall tax costs against the complainant and issue execution accordingly, and no appeal shall be allowed from the judgment of the justices aforesaid: *Provided nevertheless*, That the proceedings may be removed by *certiorari* into the court of common pleas holden in said county, and be there set aside for irregularity, if any such there be; nor shall any

Oath of jury.

Judgment.

No appeal.

Certiorari.

such judgment be a bar to any other action at law, brought by either party, either to try the right of property or for intermediate damages.

Return of process.

Sec. 4. *And be it further enacted*, That the sheriff or coroner shall return to the said justices the summons and precept aforesaid on the day assigned for trial or hearing of the cause and shall state on the back of said summons, how and in what manner he hath served the same on the party, together with a list of the jury by him summoned in obedience to the precept; and if the party does not appear at the time appointed for hearing the said complaint, the said justices may proceed *ex parte*, or adjourn the case at their discretion, except that they shall not adjourn for any longer time than ten days, nor to any other place than that assigned for the hearing of the complaint as named in said summons or precept.

Non appearance.

Adjournment.

Summons for witness.

Sec. 5. *And be it further enacted*, That the said justices shall have power, or any one of them to issue summons for witnesses, on the application of either party, or to enter up a rule for taking depositions, the party obtaining the same giving to the opposite party a copy of such rule, together with a notice of the time and place of taking the same, which said notice shall be served, giving to the opposite party one days notice for every twenty miles travel, and no more,

Rule to take deposition.

And if the witneſſes ſo ſummoned do not attend, the juſtices may at their diſcretion, on the application of either party adjourn the cauſe for any term not exceeding ten days and ſhall have authority to iſſue attachment for the witneſſes ſo ſummoned to compel their attendance on the day to which the cauſe ſhall ſtand adjourned. Attachment for witneſſes.

Sec. 6. *And be it further enacted*, That when any perſon ſhall willfully and without force hold over any lands, tenements or other poſſeſſions after the determination of the time for which they were demiſed or let to him or the perſon under whom he claims or when any perſon wrongfully and without force, by *deseisin* ſhall obtain and continue in poſſeſſion of any lands, tenements or other poſſeſſions, and after demand made in writing for the deliverance of the poſſeſſion thereof by the perſon having the legal right to ſuch poſſeſſion his agent or attorney, ſhall refuſe or neglect to quit ſuch poſſeſſion, upon complaint thereof in writing to two juſtices of the peace as aforeſaid, the ſaid juſtices ſhall proceed to hear, try and determine the ſame in like manner as in caſes of forcible entry and detainer, and iſſue a writ of reſtitution accordingly. Tenants holding over. How to be proceeded againſt.

Sec. 7. *And be it further enacted*, That every perſon or perſons who ſhall have heretofore or may hereafter make and eſtabliſh a ſettlement on public lands, and who ſhall have reſided for one year on the ſame, muſt Settlements on U. S. lands.

before the forcible entry and detainer complained of by him or them, ſhall and may have the same remedy as is herein before provided in other cases of forcible entry and detainer, or detainer only, againſt any perſon or persons who ſhall make unlawful entry upon him or them as aforeſaid; except againſt any authoriſed officer on the part of the United States, who ſhall have power to enter lawfully on him on behalf of the United States.

Actual ſettler of one year may have these remedies.

Sec. 8. *And be it further enacted*, That the ſaid juſtices ſhall make out their ſummons to the party complained againſt in the form following to wit. County of ss. A. B. & C. D. two juſtices aſſigned to keep the peace within and for the ſaid county of to the of the ſaid county greeting: ſummon G. H, of your county to appear before us at, in the ſaid county, at o'clock in the noon, then and there to anſwer to E. F. and defend againſt the complaint of the ſaid E. F. as to us exhibited, wherein he complains (take in the complaint) and you are to make return of this ſummons with your proceedings thereon, on or before the ſaid day. Witneſs our hands and ſeals the day of in the year .

A. B } Juſtices
& } of the
C. D. } Peace.

Form of ſummons.

Sec. 9 *And be it further enacted*, That the ſaid precept ſhall be in the words follow-

Form of precept for ſum-

ing to wit. County of ss. A. moning of
B. & C. D esquires two juſtices aſſigned to jury.
keep the peace within and for the ſaid county greeting: whereas complaint is made to us by E. F. in the county aforeſaid that G. H, of yeoman upon the day of at with force and arms and with a ſtrong hand did unlawfully and forcibly enter into and upon a tract of land or meſſuage or tenement (as the caſe may be) of him the ſaid E. F. in aforeſaid, containing acres bounded as follows (take in boundaries) and him the ſaid E. F. with force and ſtrong hand as aforeſaid did expel and unlawfully put out of poſſeſſion of the ſame (for if it is forcible detainer only or an unlawful holding over, then the entry ſhall be deſcribed and the detainer inſerted as follows) and the ſaid E. F. does unlawfully, unjuſtly and with a ſtrong hand deforce and ſtill keep out of poſſeſſion of the ſame: you are therefore commanded on behalf of the United States to cauſe to come before us upon the day of at in the ſaid county, twelve good and lawful men of your county to be empannelled and ſworn to enquire into the forcible entry and detainer [or for the detainer only] before deſcribed. Given under our hands and ſeals the day of in the year

A. B. } Juſtices
& } of the
C. D. } Peace.

Sec. 10. *And be it further enacted*, That

Verdict. the form of the verdict shall be as follows At a court of enquiry held before A. B & C. D. esquires two justices assigned to keep the peace within and for the county of in the said county of upon the day of in the year the jury upon their oaths do find that the lands or tenements in aforesaid, bounded and described as follows as in the complaint upon the day of in the year were in the lawful and rightful possession of said E. F. and that the said G. H. did upon the same day unlawfully, with force and strong hand, expel and drive out the said E. F. and that he still continues wrongfully to detain the possession from him the said E. F. (or that being lawfully possessed he still continues unlawfully to hold the same over) wherefore the jury find upon their oaths or affirmations that the said E. F. ought to have restitution thereof without delay.

Form of writ of restitution. Sec. 11. *And be it further enacted*, That the said writ of restitution shall be in the form following to wit. County of ss. A. B. & C. D. esquires, two justices assigned to keep the peace in and for the said county to the of said county greeting: whereas at a court of enquiry of forcible entry and detainer (or detainer only as the case may be) held before us at in the said county of upon the day of in the year the jurors empannelled and sworn according to law, did return their verdict in writing signed by each of them that

E. F. was upon the day of in the rightful poſſeſſion of a certain meſſuage or tract of land (as in the verdict returned) or was rightfully entitled to the poſſeſſion of ſaid land or meſſuage (as the caſe may be if for holding over only) whereupon it was conſidered by us that the ſaid E. F, ſhould have reſtitution of the ſame; we therefore require you that, taking with you the force of the county (if neceſſary) you cauſe the laid G. H. to be forthwith removed from the premiſes and the ſaid E. F to have the peaceful reſtitution of the ſame; and alſo that you levy of the goods and chattles, lands and tenements of the ſaid G. H. found in your county the ſum of being taxed in coſts againſt him on the trial aforeſaid, together with more, for this writ and your own fees—and for want of ſufficient goods and chattels, lands and tenements of the ſaid G. H. found in your county whereon to levy and make the ſame—you are commanded to take the body of the ſaid G. H. and him commit to the common jail of the county, there to remain until he ſhall pay the ſum aforeſaid, together with all the fees adjudged for the ſervice of this writ or until he be delivered by due courſe of law.—And make return of this writ with your proceedings thereon. Witneſs our hands and ſeals at aforeſaid the day of in the year

A. B. } Juſtices
& } of the
C. D. } Peace.

Proviſo. Sec. 12. *Provided always*, that this law ſhall not extend to any perſon who hath had the occupation or been in quiet poſſeſſion of any lands or tenements by the ſpace of three whole years together, next before the filing of the complaint or who hath continued five whole years in peaceable poſſeſſion after the time for which the premiſes were demiſed or let to him or them under whom he claims ſhall have expired.

Sec. 13. This act ſhall take effect and be in force from and after the firſt day of October next.

GEO. BULLIT.
Speaker of the House of Representatives.

S. HAMMOND,
President of the Legislative Council.

APPROVED, AUGUST 19, 1813,

WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

Establiſhing courts of common pleas and for other purposes.

f
ect
ction 13.

BE *it enacted by the General Aſſembly of the Territory of Missouri*, That there ſhall be appointed and commiſſioned by the governor, as soon as may be after the paſſage of this law in each county now erected, or hereafter to be erected, three reſpectable in-

3 judges in
each county.

habitants in said county as judges of the court of common pleas, any two of whom shall have power and authority to hold in their respective counties according to law, a court to be called and styled a court of common pleas; the said judges shall hold their commissions for four years, but may be removed by the governor upon conviction in the general court, for a misdemeanor in office. Tenure of office.

Sec. 2. The said judges or any two of them shall annually hold in their respective counties, three courts at the places where the courts of common pleas have heretofore been held, or at such places as may hereafter be fixed by law, to wit. In the county of St. Charles the first monday in February, the third monday in June and last monday in October; in the county of St. Louis, third monday in February, first monday in June and third monday in September; in the county of St. Genevieve, first monday in in March, July and November; in the county of Cape Girardeau, at such places as may be fixed on by the commissioners appointed for that purpose, third monday in March July and November; in the county of New Madrid, at such place as may be fixed on, by the commissioners appointed for that purpose, on the fourth monday in March July and November. That the superior court of this territory shall hereafter hold two terms annually, commencing on the first mondays in October and May at the town of St. Genevieve. And the clerk of

3 courts anny. Where. When. Superior courts. When.

Where.

the said superior court hereafter shall keep his office at the town of St. Genevieve.

Jurisdiction of courts of common pleas

Judges compensation.

Sec. 3. *And be it further enacted*, That the said judges of the courts of common pleas in their respective counties, shall have the same powers, possess the same jurisdiction, and be entitled to receive the same compensation as are provided for the judges of the courts of common pleas and quarter sessions of the peace and orphan's court by the several laws of this territory, and the said courts in their respective counties at their respective terms shall do and perform all the duties required of a judge of probate by the act entitled 'An Act directing the probate of wills and the descent of intestates' real estates and for other purposes therein mentioned' passed the fourth of July 1807 And the said courts in their respective counties shall moreover do and perform all the duties required of the several district auditors of the said territory according to the provisions of the act entitled 'An Act regulating the fiscal concerns of the territory defining the duties of certain officers concerned therein and for other purposes' passed the 11th November 1808. And all fines and forfeitures under the last mentioned act for the use of the several districts shall be sued and prosecuted for, in the name of the sheriff of the proper county, or attorney general of the territory to the use of the respective counties, as the case may require.

Additional jurisdiction.

Fines how recovered.

Sec. 4. *And be it further enacted*, That

there shall be appointed in term time by the said several courts of common pleas a suitable and competent person as clerk of the respective courts of common pleas, who shall be clerk of the court of common pleas of the county in which he shall be appointed, and commissioned according to the act of congress "providing for the government of the territory of Missouri" who shall respectively hold their offices at the place where the courts of common pleas are held. Each clerk shall give bond with one or more sureties, to be approved of by two of the judges of the court of which he is clerk, to the governor for the time being or to his successors in office, in the sum of five thousand dollars, and take an oath faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments and determinations of the court of which he shall be clerk, and to do and perform all other duties required or which shall be required of him by law; and to deliver up the records, and other writings belonging to his said office, whole, safe and undefaced, to his successor in office; which said bond and oath shall be filed in the office of the secretary of this territory.

Clerks to be appointed.

Office where kept.

Bond.

Oath.

Sec. 5. *And be it further enacted*, That when the office of clerk of the court of common pleas shall become vacant in any county, the judges of such court or a majority of them shall hold a special session for the purpose of appointing a clerk to fill such vacancy.

Vacancy how supplied.

Sec. 6. *And be it further enacted*, That

Clerks to be recorders.

the clerks of the ſeveral courts of common pleas ſhall be ex officio recorders of the ſeveral counties, and ſhall do and perform all the duties appertaining to the recorders office; and the ſaid clerks ſhall reſpectively demand and receive from each perſon who may apply to have a deed or mortgage recorded, the ſum of fifty cents to be paid down as a tax which ~~the clerks~~ ſhall reſpectively pay into the territorial treaſury every ſix months; and alſo ſhall do and perform all duties required by law of the clerks of the ſeveral courts of common pleas, quarter ſeſſions of the peace and orphans court of the ſeveral diſtricts heretofore eſtabliſhed within this territory.

Tax on deeds &c.

Clerks' additional duties.

Sec. 7. *And be it further enacted.* That the clerks of the ſaid courts of common pleas reſpectively in their ſaid counties, ſhall in the vacations of the ſaid courts take proofs of laſt wills and teſtaments, and grant letters teſtamentary, and letters of adminiſtration, and do and perform all other duties by law appertaining to the offices of judge of probate within the territory. *Provided however*, That the ſaid letters teſtamentary and letters of adminiſtration granted by ſuch clerks, and all other acts done and performed by him in the vacation may be repealed by ſentence of the court of common pleas at their next term or at any ſubſequent term after the granting ſuch letters, or other duties relating to the office of judge of probate ſhall have been done by the ſaid clerks as aforeſaid. And other letters may by the

Clerks to act as judges of probate in vacation,

Their acts may be repealed by the courts.

ſaid court be granted to any perſon applying therefor, and having legal right thereto, in which caſe, all acts and proceedings done and made by the former executor or executors, adminiſtrator or adminiſtrators ſo far as the ſame ſhall have been made and done in good faith, and the court ſhall approve of the ſame, ſhall be legal and valid, and ſuch further proceedings may be had and made in the name or names of the ſucceeding executors or adminiſtrators as though the original ſuits, proceedings and proceſs had been commenced in his or their name or names. And the ſaid courts ſhall have power to correct from time to time all errors which may be committed by the ſaid clerks in the ſaid proceedings of the ſaid clerks in vacation as aforeſaid.

And.

Their errors corrected.

Sec. 8. *And be it further enacted*, That all bonds heretofore required by any law of this territory to be taken and in the name of the judge of probate, ſhall, as well in vacation as in time of any term of ſaid court be taken to and in the name of the ſaid clerks of common pleas reſpectively, and the bonds ſo given may be put in ſuit and proſecuted from time to time by and at the coſts of any party injured by a breach thereof, until the whole penalty be recovered thereupon.

Bonds to be given to the clerks.

Sued.

Sec. 9. *And be it further enacted*, That it ſhall be the duty of the ſeveral clerks of the courts of common pleas, quarter ſeſſions of the peace and orphans' court, the

Former officers to deliver records.

judges of probate or county auditors and recorders within this territory, on the application of the clerks of the courts of common pleas in their respective countles to deliver up to them the whole of the records and papers and writings appertaining to the said offices of the clerks of the courts of common pleas, quarter sessions of the peace and orphans' court, the offices of judge of probate, district or county auditors and recorders office whole and undefaced, under penalty of forfeiting and paying to the use of the county in which such person shall have been clerk of the court of common pleas, quarter sessions of the peace or judge of probate, district or county auditor and recorder, the sum of one thousand dollars to be recovered by action of debt, in the name of the attorney general or the sheriff of the proper county, for the use of such county.

Penalty for refusal.

Sec 10. *And be it further enacted*, That the said clerks of the courts of common pleas respectively for the duties to be performed by them, heretofore required to be performed by the clerks of the courts of common pleas, quarter sessions of the peace and orphans' courts, by the judges of probate and by the recorders aforesaid, shall receive the same compensation and be entitled to the same fees as the said clerks of the courts of common pleas, quarter sessions of the peace and orphans' court, the said judges of probate and recorders aforesaid would have been entitled to had not this law been passed,

Clerks' fees.

Former courts and offices abolished.

Sec. 11. *And be it further enacted*, That the said several courts of common pleas quarter ſeſſions of the peace and orphans' court and the offices of clerks thereof, the office of judge of probate, the office of diſtrict or county auditors and the appointment of recorders within the territory ſhall be and the ſame are hereby abolithed.

Teſte of writs.

Sec. 12. *And be it further enacted*, That all writs and proceſs hereafter to be iſſued by any clerk or judge of the court of common pleas, ſhall bear teſte in the name of the clerk or judge of the court of common pleas who ſhall iſſue the ſame; and it ſhall be lawful for any attorney at law practiſing in the courts of this territory to procure blank writs and ſubpœnas with the ſeal of the ſeveral courts thereto annexed from the ſeveral clerk's offices within this territory, upon the payment of the tax and legal fees thereon, cauſe the ſame to be filled up, and writs to iſſue according to law.

Attorneys may receive blank writs &c.

How property taken by ſheriff ſhall be ſold.

Sec. 13. *And be it further enacted*, That when lands and tenements ſhall be taken in execution by the ſheriff, it ſhall be his duty to expoſe the ſame to ſale at the court houſe door, on ſome day during the term of the court of common pleas where the land lies having previously given twenty days notice of the time and place of ſale, and what lands and tenements are to be ſold, and where they are ſituated, by at leaſt ſix handbills affixed in the moſt public places in different parts of the county, or by advertiſing

Previous notice.

the same in any news paper printed within the county; and in case any last bidder shall neglect or refuse to pay to the sheriff the amount bid for such lands and tenements on demand the sheriff shall, at any time within two days thereafter, or instanter if he thinks proper, offer the said lands and tenements again for sale to the highest bidder; and if any loss should be occasioned thereby, the said sheriff may and shall recover the amount of such loss with costs on motion made to the court, who shall give judgment, and grant execution therefor, instanter, and if the lands and tenements so sold by the sheriff by reason of any last bidder neglecting or refusing to pay for the same should sell for a greater price than that first bid by the person neglecting or refusing to pay, the overplus shall go towards discharging the amount of the execution or executions on which said land and tenements are sold or be paid, if there should be sufficient without it to the party whose lands were taken on any such execution or executions. And the said sheriff may in like manner proceed against any subsequent purchaser who may neglect or refuse to pay as aforesaid.

When a bidder shall neglect to pay.

Property to be again sold.

Surplus or deficiency—how to be accounted for.

Sec. 14. *And be it further enacted*, That when any foreign bill of exchange which may be drawn for any sum of money, expressing that the value has been received shall be protested for non acceptance or non payment, it shall carry interest from the date until paid, together with the charges of

Interest on protested bills.

proteſt and damages at the rate of ten per centum on the amount drawn for.

Sec. 15. *And be it further enacted*, That any perſon having a right to demand any ſum of money on any proteſted foreign bill of exchange may proſecute an action of debt or on the caſe for the principal, intereſt, damages and charges of proteſt againſt the drawer or drawers, endorſer or endorſers, jointly or againſt either of them ſeparately, and judgment ſhall be given for the ſame together with legal intereſt until paid, and damages at the rate of ten per centum on the amount drawn for, which ſhall alſo carry intereſt from the time judgment is rendered, until paid and fully ſatisfied.

Proſecutions on proteſted bills.

Sec. 16. *And be it further enacted*, That if any perſon or perſons draw or endorſe a bill of exchange upon any perſon or perſons out of this territory, but within the United States or any territories thereof and the ſame be returned unpaid with legal proteſt, the drawer or drawers, endorſer or endorſers jointly or ſeperately as is provided in the fifteenth ſection of this act reſpecting foreign bills of exchange, ſhall pay the amount drawn for with charges of proteſt and legal intereſt thereon until paid, and alſo damages at the rate of eight per centum, which ſaid damages ſhall not carry intereſt. *Provided however*, That nothing in this act contained ſhall authoriſe a recovery of money from the endorſer of any foreign or domeſtic proteſted bill, unleſs the holder there-

Proteſt of bills drawn on perſons out of the territory but within the U. S.

What intereſt and damages.

of ſhall have given the endorſer a reaſonable notice in writing of ſuch proteſt.

Proceedings in the late diſtrict courts.

Sec. 17. *And be it further enacted*, That all preſentments, indictments, actions, ſuits, pleadings or other proceedings, civil or criminal which were continued by the ſeveral courts of common pleas, or quarter-ſeſſions in the reſpective diſtricts or counties, at the ſeveral terms laſt holden in ſaid diſtricts or counties, and all writs, proceſs and proceedings as aforeſaid which are or may be made returnable to the next courts of common pleas or quarter ſeſſions in the reſpective counties or diſtricts which have been iſſued or ſhall be iſſued until the next court of common pleas in the reſpective counties ſhall be continued returnable to, and have day in the firſt court of common pleas to be holden in purſuance of this act in the reſpective counties.

Special juries when to be ſummoned.

Sec. 18. *And be it further enacted*, That when any perſon who now has or who hereafter may have a ſuit pending in the ſuperior court of this territory ſhall by himſelf or his agent make oath that he believes he cannot have a fair and impartial trial by a jury ſelected from the county wherein the ſaid court may be ſitting, the court ſhall order a ſpecial jury to be ſummoned from an adjoining county for the trial of ſuch cauſe or cauſes.

A perſon to be appointed to examine

Sec. 19. *And be it further enacted*, That the ſuperior court, ſhall and they are hereby authoriſed to appoint a fit perſon to exam-

ine the books, records and papers belonging to the clerks' offices of the several inferior courts in this territory for the purpose of ascertaining what monies may have been or ought to have been received on law process issued and other public monies which they are authorised to receive, as well as fines and other monies which they were not authorised to receive; and also to ascertain what monies may be due from the several sheriffs for fines, licences &c. And it shall be the duty of the clerks who may be in office at the time of such examination to make out a statement of all fines levied, and all licenses, writs and executions issued since the commencement of the American government, and whether received by the clerks or sheriffs in office or out of office which statement shall be signed by the clerks respectively and shall have the seal of the county annexed and shall be evidence in any court of record in this territory. And the person to be appointed as aforesaid shall be authorised to demand and receive from the different clerks and sheriffs as aforesaid what may appear to be due from them respectively: And in case of neglect or refusal of any such clerk or sheriff to pay what may appear to be due from him, for monies received as aforesaid, to proceed against such delinquent sheriff or clerk in any court of record in this territory, either by motion, on giving ten days notice, or an action of trespass on the case for money had and received, or upon the bond given by such

the clerks' offices.

For what purpose.

Powers of such person.

To proceed against delinquents.

clerk or ſheriff as may be deemed moſt proper—which ſuit ſhall be commenced and carried on in the name of the territory. And the perſon to be appointed as aforeſaid ſhall receive for his ſervices ten per centum on all monies, which may be by him received as aforeſaid. And if any clerk in office ſhall refuſe to ſuffer an examination to be made of the books and papers in his office, by the perſon to be appointed as aforeſaid, or ſhall neglect or refuſe to furniſh ſuch perſon with a ſtatement as aforeſaid, every clerk ſo offending ſhall forfeit and pay for the use of the territory for every ſuch offence five hundred dollars, to be recovered by action of debt, in any court having competent juriſdiction. And the perſon ſo appointed as aforeſaid, by the court aforeſaid, ſo ſoon as he ſhall have made the examinations and ſettlements herein directed to be made by him with the clerks and ſheriffs aforeſaid, ſhall at the next term thereafter of the general court, preſent himſelf with all his accounts, papers and documents to ſaid general court for a ſettlement and adjuſtment of his proceedings under this act, and ſhall pay over to the general court all monies he ſhall have received from the clerks and ſheriffs aforeſaid retaining his per centum herein allowed. And the general court ſhall order the monies ſo paid over to be paid into the reſpective treaſuries to which it ſhall belong.

Compensation.

Penalty on clerks refuſing to ſubmit to examination.

Report to the general court.

Sec. 20. *And be it further enacted*, That

such parts of the several laws of this territory as are repugnant to the provisions contained in this act shall be and the same are hereby repealed. Repeal of former laws.

This act shall take effect and be in force from and after the first day of September next. When in force.

GEO. BULLITT,
Speaker of the House of Representatives.

S. HAMMOND,
President of the Legislative Council.

APPROVED, AUGUST 20, 1813.

WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

To incorporate the stockholders of the Bank of St. Louis.

Whereas Auguste Chouteau and others have by their petition presented to the Legislature prayed that a banking company may be incorporated under the style and name of the President, Directors and Company of the Bank of Missouri, and the general assembly being of opinion that the institution of a bank with a limited capital will be of public utility. Preamble.

BE *it therefore enacted by the General Assembly of the territory of Missouri*, That Auguste Chouteau, Samuel Hammond,

Commissioners appointed.

John B. C. Lucas, Clement B. Penroſe, Moſes Auſtin, Bernard Pratte, Manuel Liſa, Rufus Eaſton, Riſden H. Price, Thomas Brady, Bertholomew Berthold, Chriſtian Wilt and Robert Simpſon be, and they are hereby appointed commiſſioners for the purpoſes herein after directed, and all ſuch perſons as hereafter ſhall become ſtockholders, their ſucceſſors and aſſigns, ſhall be, and hereby are ordained, conſtituted and declared to be from time to time and until the firſt day of Auguſt, which will be in the year one thouſand eight hundred and thirty eight, a body corporate and politic in fact and in name by the name of the preſident, directors and company of the bank of St. Louis, and by that name, they and their ſucceſſors and aſſigns until the ſaid firſt day of Auguſt in the year one thouſand eight hundred and thirty eight ſhall and may have continual ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever, and in all manner of actions, ſuits, complaints matters and cauſes whatſoever; and that they and their ſucceſſors and assigns may have a common ſeal, and may make, change and alter the ſame at their pleaſure; and alſo that they and their ſucceſſors and assigns by the ſame name of the preſident, directors and company of the bank of St Louis, ſhall be in law capable of purchaſing, holding and conveying any eſtate

Style of the corporation.

Powers.

real, perſonal or mixed for the uſe of the ſaid corporation.

Sec. 2. *And be it further enacted*, That a ſhare in the ſaid bank ſhall be one hundred dollars, and the number of ſhares ſhall not exceed fifteen hundred ſhares exclusive of any ſhares which may be ſubſcribed on the part of the territory of Miſſouri. And a book or books for ſubſcriptions ſhall be kept open under the direction of the ſaid commiſſioners; and the firſt opening of the books ſhall be on the ſame day at St. Louis, St. Charles, St. Genevieve, Mine a Burton, Cape Girardeau and New Madrid; and the ſaid books ſhall be continued and kept open until the ſaid number of ſhares ſhall be ſubſcribed or ſuch part thereof, not leſs than ſeven hundred and fifty ſhares, as they or a majority of them ſhall deem ſufficient. And thereafter the ſaid books ſhall be kept open at ſuch time and places as the preſident and directors of ſaid bank or a majority of them ſhall think proper. And the whole amount of the ſtock, eſtate and property which the ſaid corporation ſhall be authoriſed to hold including the capital ſtock above mentioned, ſhall never exceed in value four hundred and fifty thouſand dollars: *Provided always* that the legiſlature of the territory of Miſſouri on the application of the preſident and directors of ſaid bank may always extend and increaſe the amount of ſtock, capital, eſtate and property which ſaid corporation may hold.

1500 ſhares each ſhare $ 100—

Books of ſubſcription opened.

And

Kept open.

Capital not to exceed 450,000.

Proviſo.

President and 13 directors.

Sec. 3. *And be it further enacted*, That the ſtock, property affairs and concerns of ſaid corporation ſhall be managed and conducted by thirteen directors, one of whom ſhall be preſident, who ſhall hold their offices for one year, which directors ſhall be ſtockholders and citizens of the territory of Miſſouri; and nine of them at leaſt, reſiding at or near the town of St. Louis, and the other four of them reſiding in the town of St. Genevieve or elſewhere in the territory, and ſhall be elected on the ſecond monday in December in every year, at ſuch place in the town of St. Louis, as a majority of the directors, who ſhall on all occaſions conſtitute a board for doing buſineſs for the time being, ſhall oppoint—and public notice ſhall be given by the ſaid directors, in one of the news papers printed in the territory, of ſuch time and place, not more than ſixty days, nor leſs than thirty days previous to the day of holding ſaid election—and the ſaid election ſhall be held and made by ſuch of the ſtockholders of ſaid bank as ſhall attend for the purpoſe either in perſon or by proxy, which proxies ſhall always be ſtockholders; and all elections ſhall be by ballot, and the thirteen perſons who ſhall have the greateſt number of votes, and reſiding as aforeſaid ſhall be directors; and if it ſhould happen at any election, that two or more perſons have an equal number of votes, then the ſaid directors in office at the time of ſuch election, or a majority of them ſhall proceed to ballot, and by plurality of votes deter-

Annual elections 2d monday December.

Votes by proxy.

mine which of the ſaid perſons, ſo having an equal number of votes ſhall be the director or directors, ſo as to conſtitute the whole number of thirteen: and the ſaid directors choſen at ſuch election, as ſoon as may be thereafter, ſhall proceed in like manner to elect by ballot, one of their members as preſident; and if a director ſhall remove out of this territory, his office ſhall be conſidered as vacant—and whenever any vacancy or vacancies ſhall happen among the directors by death, reſignation or removal, ſuch vacancy or vacancies ſhall be filled for the remainder of the year in which they ſhall happen by ſuch perſon or perſons as the remainder of the directors for the time being or a majority of them ſhall appoint.

Stockholders to elect the preſident.

Vacancies how ſupplied.

Sec. 4. *And be it further enacted*, That in caſe it ſhould at any time happen that an election of directors ſhould not be made on any day, when, purſuant to this act, it ought to have been done, the ſaid corporation ſhall not, for that cauſe be deemed to be diſſolved, but that it ſhall and may be lawful on any other day, within three months thereafter, to hold and make an election of directors, in ſuch manner as is herein before directed, or in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporation. And the directors then in office when the elections as aforeſaid ought to have been made ſhall continue to be directors until the election herein contemplated

Corporation not diſſolved by failure in elections—which may be held 3 months afterwards.

shall be made, any thing in this law to the contrary notwithstanding,

Bye-laws as to the management of the affairs of the bank.

Sec. 5. *And be it further enacted*, That the directors for the time being, or a majority of them shall have power to make and prescribe such bye laws, rules and regulations and ordinances as to them shall appear proper, needful, necessary and convenient, touching the management and disposition of the stock, property, estate and effects of said corporation; the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such other matters as appertain to the business of a bank and shall also have power to oppoint so many officers, clerks and servants for carrying on the business of said bank, and with such salaries and allowances, as to them shall seem meet—*Provided* that such bye laws, rules, ordinances and regulations be not repugnant to the constitution and laws of the United States or of this territory.

Where the bank to be kept.

Sec. 6. *And be it further enacted*, That the said bank shall be established and kept and the buildings necessary for the accommodation thereof erected, and the business thereof at all times hereafter transacted at such place in the town of St. Louis, as the directors of said bank shall designate and point out—which said location when so made shall be unalterable; and until the buildings necessary for the accommodation of said

bank ſhall be erected, and ſo far completed as to admit the tranſaction of buſineſs therein, the ſaid bank ſhall be eſtabliſhed and kept and the buſineſs thereof tranſacted at ſuch times and places in the town of St. Louis, as the directors thereof ſhall deſignate and appoint.

Temporary place in St. Louis may be choſen.

Sec. 7. *And be it further enacted*, That the territory of Miſſouri ſhall have a right to ſubſcribe any number of ſhares to ſaid bank not exceeding in the whole the number of one hundred and fifty, at any time when it ſhall by law authoriſe any perſon or perſons for that purpoſe, and the territory ſhall have a right to increaſe the number of ſhares and ſtock which the ſaid corporation may hold to the amount of the ſum to be ſubſcribed, if the number of ſhares herein before limited ſhall be ſubſcribed before ſuch ſubſcription ſhall take place on the part of the territory.

The territory may ſubſcribe 150 ſhares.

Sec. 8. *And be it further enacted*, That the total amount of debts, which the ſaid corporation ſhall at any time owe, whether by bond, bill, note or other contract ſhall not exceed double the amount of the capital ſtock ſubſcribed and actually paid into the bank and in caſe of exceſs, the directors under whoſe adminiſtration it ſhall happen ſhall be liable for the ſame in their ſeperate and private capacities; but this act ſhall not be conſtrued to exempt the ſaid corporation or any eſtate, real or perſonal which they may hold as a body corporate, from being

Debts of the bank not to exceed double the amount of ſtock actually paid.

alſo liable for, and chargeable with ſuch exceſs, but ſuch of the directors who have been ablent when ſuch exceſs, was contracted or who may have deſſented from the reſolution or act whereby the same was contracted ſhall not be ſo liable.

Bank to hold only ſuch real property as may be neceſſary for its accommodation.

Sec. 9 *And be it further enacted*, That the lands tenements and hireditaments which it ſhall be lawful for ſaid corporation to hold ſhall be only ſuch as be requiſite for its immediate accommodation, in relating to the convenient tranſacting of its buſineſs or ſuch as ſhall have been *bona fide* mortgaged to it by way of ſecurity or conveyed to it in ſatisfaction of debts previouſly contracted in the courſe of its dealings or purchaſed at ſales upon judgments which ſhall have been obtained for ſuch debts. And further the ſaid corporation ſhall not, directly or indirectly deal or trade in buying or ſelling any goods, wares merchandizes or commodities whatſoever. It ſhall neverthe-leſs be lawful for ſaid bank to receive and diſpoſe of all bonds, bills, notes, checks or drafts made payable or negociable at the bank.

Except &c.

Bank not to buy and ſell merchandize.

In that manner the paper of the bank ſhall be negociable—

Sec. 10. *And be it further enacted*, That bills obligatory and of credit, under the ſeal of the ſaid corporation which ſhall be made to any perſon or perſons ſhall be aſſignable by endorſement thereupon under the hand or hands of ſuch perſon or perſons, his, hers or their aſſignee or aſſignees, and ſo as abſolutely to tranſfer and veſt the property

thereof in each and every aſſignee or aſſignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be iſſued by order of the ſaid corporation, ſigned by the preſident and counterſigned by the caſhier, promiſing the payment of money to any perſon or perſons, his, her or their order, or to bearer, though not under the ſeal of the ſaid corporation ſhall be binding and obligatory upon the ſame, in like manner and with like force and and effect as upon any private perſon or perſons if iſſued by him, her or them, in his, her or their private or natural capacity or capacities, and ſhall be aſſignable and negociable according to the law of merchants, in like manner as if they were ſo iſſued by ſuch private perſon or perſons, that is to ſay thoſe which may be payable to any perſon or perſons, his, her or their order ſhall be aſſignable by endorſement; and thoſe which are payable to *bearer* ſhall be negociable and aſſignable by delivery only.

Under ſeal.

By endorſement.

By delivery.

Sec. 11. *And be it further enacted*, That it ſhall and may be lawful for the directors for the time being to call for and demand from the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed or to be ſubſcribed, at ſuch times and in ſuch proportion as they ſhall ſee fit, under pain of forfeiture of their ſhare or ſhares, and of all previous payments thereon to the ſaid company, always however giving ſixty days notice of

Directors may call for the payment of ſtock.

ſuch call and demand in one of the newſ papers publiſhed in the territory as aforeſaid.

Charter not to be forfeited, for non uſer bill see 1817.

Sec. 12. *And be it further enacted.* That this preſent act of incorporation ſhall in no wiſe be forfeited by any non uſer whatſoever at any time before the ſecond monday in December which will be in the year, one thousand eight hundred and seventeen, and that it ſhall on that day, if no prior election has taken place and the ſtock ſubſcribed ſhall amount to the ſum of seventy five thousand dollars, be lawful for the ſtockholders above mentioned to aſſemble for the purpoſe of carrying the ſame into effect, any want of notice in the manner above preſcribed, to the contrary, in any wiſe notwithſtanding. And for the purpoſe of putting the ſaid bank into operation it ſhall be the duty of the ſaid commiſſioners or a majority of them, as ſoon as seven hundred and fifty ſhares ſhall be ſubſcribed for as aforsaid to give public notice thereof in some news paper printed in this territory, and ſhall appoint a time, not more than ſixty days nor less than forty days when the ſtockholders ſhall aſſemble as is provided in the third section of this act for the purpoſe of chooſing the firſt directors.

Operations to begin when 750 ſhares are ſubſcribed.

Sec. 13, *And be it further enacted*, That each ſtockholder at elections and on all other queſtions ſhall be entitled to the number of votes proportioned to the number of ſhares which he, ſhe, or they may be poſ-

Number of votes in proportion to ſhares.

ſeſſed of at the time of ſuch election, accor-
ding to the following ratio, that is to ſay,
one vote for every ſhare not exceeding ten
ſhares, one vote for every five ſhares over
ten and up to thirty, and one vote for every
ten ſhares over thirty. But no perſon, co-
partnerſhip or body politic ſhall be entitled
to more than ſeventeen votes. And no
ſtockholder unleſs actually reſident within
the United States or any of the territories
thereof ſhall vote at elections or on any
other occaſion either in perſon or by proxy.

Non reſidents who hold ſtock not allowed to vote.

Sec. 14. *And be it further enacted*, That
it ſhall be the duty of the ſtockholders to
make every ſix months dividends of ſo much
of the profits of ſaid bank, as to them or a
majority of them ſhall ſeem adviſable; and
if the ſaid directors ſhall, at any time wilful-
ly and knowingly make or declare any divi-
dend which ſhall impair the ſaid capital ſtock,
all the directors preſent at the making or de-
claring ſaid dividend, and conſenting thereto
ſhall be liable in their individual capacities
to the company for the amount or proporti-
on of ſaid capital ſtock ſo divided by the
ſaid directors; and each director who ſhall
be preſent at the making or declaring ſuch
dividend ſhall be deemed to have conſented
thereto, unleſs he ſhall immediately enter
into writing his diſſent on the minutes of the
proceedings of the board. And every caſh-
ier and clerk before he enters upon the du-
ties of his office, ſhall give bond with two or
more ſureties to be approved of by the di-

Dividends of profits every ſix months.

Falſe dividends.

Caſhier and clerks to give bonds.

rectors for the time being, or a majority of them, in a ſum not leſs than ten thouſand dollars for ſaid caſhier, and five thouſand dollars for each clerk, conditioned for the faithful diſcharge of their ſeveral duties.

6 per cent.

Sec. 15. *And be it further enacted*, That the ſaid corporation ſhall not demand any greater intereſt on any loan or diſcount than at the rate of ſix per centum per annum in advance.

Transfer of ſtock.

Sec. 16. *And be it further enacted*, That the ſtock of the ſaid corporation ſhall be aſſignable and transferable according to ſuch rules as ſhall be inſtituted in that behalf by the laws and ordinances of the ſame; and all debts actually due and payable to the bank by a ſtockholder requeſting a transfer muſt be ſatisfied before ſuch transfer ſhall be made unleſs the preſident and directors ſhall direct to the contrary.

Offices of diſcount and depoſit may be eſtabliſhed,

Sec. 17. *And be it further enacted*, That it ſhall and may be lawful for the directors aforeſaid to eſtabliſh offices wheresoever they ſhall think fit, in the territory of Miſſouri for the purpose of diſcount and depoſit only, and upon the ſame terms and in the ſame manner as ſhall be practiſed at the bank, and to commit the management of ſaid offices and the making of the ſaid diſcounts to ſuch perſons, under ſuch agreements, and ſubject to ſuch regulations as they ſhall deem proper, not being contrary to law or the conſtitution thereof: *Provided*

nevertheless that the first office of discount and deposit shall be established at the town of St. Genevieve, and that no office of discount and deposit shall be established within less than fifty miles of the principal bank, nor within less than fifty miles of each other.

The first to be at St. Genevieve.

Sec. 18. *And be it further enacted*, That it shall and may be lawful for the said corporation to receive as security for any loan or discounts made by it any lead or peltry or furrs or other property, in lieu, and in the place of any indorser or indorsers to the bills, notes or obligations they may receive for payment of the same *Provided nevertheless* that the said property so received as security shall always be deposited, real property excepted, and left in the care, possession and controul of the bank either at the capital bank, or at the office of discount and deposit or within one mile of the same, and at no other place or places whatsoever, which said property so deposited, it shall and may be lawful for the bank, after the time for which said property was so deposited shall have elapsed, to sell and dispose of, without delay, in any manner they shall judge proper, giving ten days public notice of the time and place of selling the same, any law or custom to the contrary notwithstanding—and *Provided nevertheless* that it shall and may be lawful for said bank to establish a place of deposit at St. Genevieve, so soon as they shall deem proper, prior to the establishment of an office of discount and deposit at St, Genevieve.

Lead, peltry and furs &c. may be taken in place of endorsers.

When the same may be sold.

Deposit at St. Genevieve.

vieve, under the controul and direction of such person or persons as the president and directors shall direct and appoint; any thing in this act to the contrary notwithstanding.

General meeting of the stockholders.

Sec. 19. *And be it further enacted*, That the president and directors shall have power, at all times to call a general meeting of the stockholders for purposes concerning the interest of the bank, giving at least sixty days notice, in one or more newspapers published in the territory of such meeting.

Proprietors of 800 shares may call a general meeting.

Sec. 20 *And be it further enacted*, That any number of stockholders who shall be proprietors of not less than eight hundred shares, may, at any time, for any purpose relative to the bank apply to the president and directors to call a general meeting of the stockholders and if by them refused, the said number of stockholders, of not less than the number of shares aforesaid, shall have power to call a general meeting of the stockholders, giving at least sixty days notice in one or more news papers printed in the territory, specifying in such notice the object or objects of such call.

Not more than a fourth of the capital to be sold out of this and Illinois territory.

Sec. 21. *And be it further enacted*, That not more than one fourth part of the capital stock of said bank, shall be sold either directly or indirectly out of the territory of Missouri and Illinois; nor shall any person holding stock, assign or transfer the same either directly or indirectly to any person or persons

residing out of the two territories aforesaid: and any person or persons who shall make any purchase or sale of stock, contrary to the provisions of this section shall forfeit such share or shares to the use of the bank to be adjudged on by the president and directors. And the person or persons, finding him, her or themselves aggrieved by such judgment of forfeiture by said directors shall have the right of appeal to the superior court of the territory, nor shall any person or persons residing in either of the two territories aforesaid, hold either directly or indirectly any share or shares for the use of any person residing out of the two territories aforesaid, under penalty of the same forfeiture as is above prescribed—*Provided*, that the number of votes given at any election by any person or persons residing out of the two territories shall not exceed one fourth of the whole number of votes given at such election—*Provided also*, that in case of a greater amount than three fourths of the capital stock should be subscribed for or held by transfer or purchase within the two territories, it shall and may be lawful for any person or persons to sell such excess, with the approbation of the president and directors to any person or persons residing out of said territories.

Penalty.

Decided by the president and directors with appeal.

Non residents shall not have more than a fourth of the votes.

Excess above ¾ of capital may be sold to non residents.

Sec. 22. *And be it further enacted*, That six of the directors with the president shall form a board or quorom for transacting all the business of the company, and in case of sickness or necessary absence of the presi-

The president and six directors to form a board.

How the president's absence to be supplied.

dent, his place may be supplied by any director whom he, by writing under his hand may nominate for that purpose; and if the directors are dissatisfied with such nomination or in case of his not making such nomination, the board may appoint a president to act during his absence.

When a branch bank shall be established at St. Genevieve.

Sec. 23. *And be it further enacted*, That so soon as seven hundred and fifty shares shall be subscribed for, one third of the amount called in by the president and directors, and also one third of the bills and notes issued by the bank, shall be invested in a branch bank or office of discount and deposit at St. Genevieve, and so on shall the said amount paid into or vested in the said branch bank or office of discount or deposit at St. Genevieve increase, according to the actual amount of capital paid into the bank until the capital of the said branch bank shall amount to the sum of fifty thousand dollars, and notes and bills in proportion: but the said branch bank at St. Genevieve shall never exceed in capital the sum of fifty thousand dollars and notes and bills in proportion, whatever increase of capital may hereafter be granted by the legislature, unless the said legislature in granting said increase of capital shall otherwise provide. *Provided*, that all officers that may be appointed to preside over and conduct said branch bank shall be appointed and chosen from among persons resident at St. Genevieve, being stockholders.

And on what conditions.

Sec. 24. *And be it further enacted*, That this act be, and is hereby declared to be a publick act, and that the same be, for the time herein declared limited and construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned. Public act. Construc. tions.

This act shall take effect and be in force from and after the passage thereof.

GEO. BULLITT,
Speaker of the House of Representatives.
S. HAMMOND,
President of the Legislative Council.
APPROVED, AUGUST 21, 1813.
WILLIAM CLARK,
Governor of Missouri Territory.

AN ACT

Erecting a part of the county of St Genevieve into a seperate county by the name of Washington county, and fixing permanently the seat of justice and public buildings within the same.

Whereas it has been represented to the present general assembly of the territory of Missouri by numerous and respectable petitions from the townships of Mine a Burton, Bigri ver and Belle Vue in the county of St. Genevieve that they labour under many grievances and disadvantages in consequence of their remote situation from the seat of jus- Preamble.

tice in said county; and whereas it is the wish and duty of the legislature to do all in their power to promote the general good and convenience of the inhabitants of the territory.

Boundaries of the county of Washington.

BE *it therefore enacted by the General Assembly of the territory of Missouri*, that all that portion of territory included in the present county of St. Genevieve, and bounded as follows to wit, beginning at the mouth of the mineral Fork of Grand River, running up the main branch of Grand River to mouth of Flat River, and up Flat River to its main source; thence in a direct line to intersect the northern boundary line of the county of Cape Girardeau, where it crosses the black Water; thence with that line, till it intersects the western boundary line of the Osage purchase; thence with the western boundary line of the Osage purchase to where the southern boundary line of the county of St. Louis intersects the same; thence with the southern boundary line of the county of St. Louis to the month of the Mineral Fork of Grand River the place of beginning, is hereby laid off and erected into a seperate and distinct county, and which shall be known and called Washington county.

Commissioners to fix on a place for court house and jail as a permanent

Sec. 2. *And be it further enacted*, That Lionel Brown, Samuel Perry, John Hawkins Martin Ruggles and John Andrews be and they are hereby appointed commissioners with full and ample powers to point out

and fix upon the moſt ſuitable and conve- seat of jus-
nient place in the county aforesaid for erect- tice.
ing a court house and jail thereon; and the
place to be agreed on by them or a majority
of them ſhall be and the same is hereby de-
clared to be the permanent ſeat of juſtice for
the county of Waſhington.

Sec. 3 *And be it further enacted*, That Temporary
the court of common pleas in the said coun- seat of jus-
ty of Waſhington ſhall be held annually on the tice.
firſt monday in January, and third mondays
in April and Auguſt. and the courts to be
holden in said county of Waſhington, ſhall
be holden at such place as the said commiſ-
sioners may adjudge moſt convenient for
the purpose until a permanent place be fix-
ed on by the commiſſioners, and a court
houſe be erected in pursuance of this act.

Sec. 4. *And be it further enacted*, That Commiſſion-
the ſaid Lionel Browne, Samuel Berry, John ers to pro-
Hawkins, Martin Ruggles and John An- cure a lot of
drews are hereby declared to be commis- ground.
sioners of the court house and jail of the a-
foresaid county of Waſhington, and they or
a majority of them ſhall be, and they are
hereby fully authoriſed and empowered to
purchaſe or otherwise procure a title in fee
ſimple for ſuch lot of land, as they or a ma-
jority of them ſhall judge moſt convenient
for the ſeat of the aforesaid public buildings
containing not leſs than fifty acres, nor more
than two hundred acres: and they the ſaid
commissioners are hereby authoriſed and And take
empowered to take and receive to them, deeds,

their heirs, executors and adminiſtrators, from the perſon or perſons from whom they ſhall purchaſe, a good and ſufficient general warranty deed or deeds, which ſaid deed or deeds ſhall be taken to them the ſaid commiſſioners their heirs, executors and adminiſtrators, in truſt to and for the uſe and benefit of the county of Waſhington. *Provided* the ſaid commiſſioners ſhall not give more than ten dollars per acre for the land by them to be purchaſed as aforeſaid—and the ſaid land ſo by them purchaſed, they or a majority of them ſhall cauſe to be laid off into lots or ſquares, and the lots or ſquares ſo to be laid off (reſerving ſuch as may be neceſſary for the public buildings) ſhall be ſold by and under the direction of the aforeſaid commiſſioners, either for ready cash, or on ſuch credit not exceeding a year, as they ſhall deem expedient for the good of the county; and that they the ſaid commiſſioners or a majority of them ſhall make execute and deliver to the purchaſers of ſuch lot or lots ſo by them ſold a good and ſufficient deed or deeds, in the name of the ſaid county of Waſhington, with ſuch warranty as they ſhall receive when they purchaſe the ſame: *Provided nevertheleſs* that the ſaid commiſſioners as aforeſaid ſhall not make, execute or deliver to any perſon or perſons, purchaſers of the lot or lots ſo by them to be ſold, any deed or deeds, until the ſaid payment of the purchaſe money for ſaid lot or lots ſhall be fully made to them, any thing in this act to the contrary notwith-

In truſt for the county—

Not to pay more than $10 per acre,

To ſell lots on credit or for caſh.

And make deeds.

After full Payment,

ſtanding—And the proceeds of ſuch ſale or ſales after paying the purchaſe money ſhall be by them applied and appropriated to carrying the objects of this act into full effect. And ſo ſoon as the commiſſioners herein named ſhall have procured a ſum, which may by them be deemed adequate to the building a court houſe and jail or either of them by ſale of the aforeſaid lots, by gifts, ſubſcriptions or donations, they the before named Lionel Browne, Samuel Perry, John Hawkins, Martin Ruggles and John Andrews are hereby authoriſed and empowered to let the buildings aforeſaid or either of them to the loweſt bidder, firſt giving thirty days public notice at three or more of the moſt public places in the ſaid county, and on ſuch plan as they or a majority of them may deem proper.

Proceeds of ſales how diſpoſed of.

Public buildings to be let to loweſt bidder.

Sec. 5. *And be it further enacted*, That it ſhall be the duty of the Governor of the territory as ſoon as may be to notify the commiſſioners of their ſeveral appointments; and the commiſſioners ſo appointed before they enter on the duties of their office ſhall take an oath or affirmation before ſome judge or juſtice of the peace of the county of St. Genevieve or Waſhington faithfully to diſcharge the duties aſſigned them by this act; and ſhall moreover give bond with at leaſt two ſufficient ſureties to be approved of by the judges or juſtices of the court of common pleas or county court for the county of St. Genevieve, or the judges or juſtices

Commiſſioners to take oath and give bond.

of the court of common pleas or county court for the county of Washington in the penal sum of two thousand dollars each, conditioned that they will, well, truly faithfully and honestly appropriate and dispose of all and every part of the monies or property that shall come into their hands as commissioners aforesaid, for the use of said county, to the sole use and benfit of said county, and to carry into full force and effect the object of the law entitled "An Act erecting a part of the county of St. Genevieve into a seperate county by the name of Washington, and fixing permanently the seat of justice and public buildings within the same," and further, that if there should be any balance or residue left or remaining in their or either of their hands after the objects of said law are accomplished, that they and each of them will, under the direction of the court of common pleas or county court for said county, pay the same into the treasury of the said county of Washington, or to any other person or persons the said court shall direct; which said bond shall be given to the judges or justices of the court of common pleas or county court for the county of St. Genevieve, or to the judges or justices of the court of common pleas or county court of the county of Washington, and to their successors in office for the use of the said county of Washington." And the commissioners shall moreover render at each session of the court of common pleas or county court for said county so soon as the same

Commissioners to render an account to the court.

may be organized in term time from time to time a just and true account how far they have proceeded under this act, what purchase or purchases they have made what sale or sales they have executed, and what monies, gifts, donations or other property they have received, how much is still due and when payable—*Provided always* that if the aforesaid bond or bonds to be given by the commissioners as is herein above expressed, should be given to the judges or justices of the court of common pleas or county court for the county of St. Genevieve, that so soon as there shall be a court organized in the new county of Washington as is above provided, the said bond shall be immediately remitted by the judges or justices of the court of common pleas or county court of the county of St. Genevieve to the judges or justices of the court of common pleas or county court for the county of Washington to be by them filed with the clerk of said court—which said bond or bonds so remitted shall be held, taken and accounted as though they were taken to the judges or justices of the court of common pleas or county court for the said county of Washington in the first instance, and to their successors in office to and for the use of the said county of Washington as aforesaid,

Judges of St. Genevieve to remit commissioners bond to judges of Washington.

Sec. 6, *And be it further enacted*, That if any of the commissioners aforesaid herein appointed should die, be removed from office, resign, or refuse to act or his place become vacant in any other way, then, and in

Vacancies in the offices of commissioners to be supplied by the court.

that caſe there ſhall be nominated and appointed by the court of common pleas, or county court for ſaid county of St. Genevieve, or the judges or juſtices of the court of common pleas or county court for the county of Waſhington, the ſame number of commiſſioners whoſe place ſhall thus become vacant, who ſhall take the ſame oaths, give the ſame bonds, and have the ſame powers and perform the ſame duties as is herein before enacted in the caſe of the commissioners appointed by this act.

Compenſation of the commiſſioners,

Sec. 7. *And be it further enacted*, That the commissioners herein before appointed or who ſhall hereafter be appointed by virtue of this act ſhall receive ſuch compenſation for their trouble expenditure and attendance to the duties aſſigned them by this act as ſhall be allowed them by the court of common pleas or county court of the ſaid county of Waſhington, which ſaid compenſation ſhall be reaſonable and juſt to be adjudged of by the court—and the ſaid court may allow them the ſame on ſettlement of their commiſſioners' accounts—and if there is not a ſufficient sum left in their hands of the funds they ſhall have received for the county to pay and ſatisfy them then the ſaid court ſhall give them and each of them a certificate that they are allowed ſuch a ſum for their ſervices under this act, and direct the treaſurer of the ſaid county to pay the ſame to them or each of them—and the ſaid certificate ſo given by the court to them and each of them as aforeſaid ſhall be

a lawful tender by them or either of them to any collector of county tax or revenue for any debt or tax to the county of Washington as aforesaid.

Commissioners to make final settlement with the court,

Sec. 8. *And be it further enacted*, That when the commissioners herein before appointed and contemplated, and the commissioners that may hereafter be appointed by virtue of this act shall have fully and completely discharged and fulfilled the duties and objects herein assigned them, it shall be their duty at the next court thereafter to present themselves to the court of common pleas or county court for said county of Washington, with their accounts and proceedings under this act for a final settlement of all their transactions and proceedings, and it shall be the duty of the court, immediately to proceed to settle and adjust all the accounts and proceedings of the said commissioners under this act—on which said final settlement, if the court are satisfied the said commissioners have done their duty as herein assigned them, the said court shall proceed to give to all and each of the commissioners aforesaid a final discharge from the duties aforesaid assigned them, and shall cause satisfaction to be entered up by the clerk of the court on their bond or bonds—and the said commissioners shall, moreover on that settlement, should any land, lots, gifts, donations or other property remain unsold that have come into their hands by virtue of this act, they and each of

Their discharge,

Commissioners to release to the court their title to the property which remains—

them ſhall jointly or ſeverally make execute and deliver to the judges or juſtices of the ſaid court, for the use of the county forever after a releaſe and final quit claim from them their heirs, executors and adminiſtrators of all right, title, claim and intereſt which they or either of them ſhall have acquired, into and for the whole or any part of the land, lots, houſes, gifts, donations or other property they ſhall have purchaſed as commiſſioners by authority of this act or that ſhall have been in any manner veſted in them or either of them as commiſſioners aforeſaid—which ſaid releaſe and quit claim they and each of them ſhall acknowledge in open court, and it ſhall be there recorded which ſaid releaſe and acquittal ſo by them made as aforeſaid, ſhall veſt in the court aforeſaid, for the uſe of the county aforeſaid forever all the right title claim and intereſt which they or either of them have or ever had veſted in them or either of them as commiſſioners aforeſaid under this act. And the ſaid court ſhall have full power thereafter to ſell and diſpoſe of the ſaid land, lots, gifts, donations or other property ſo remaining unſold, on the final ſettlement with the commiſſioners aforeſaid to any perſon or perſons who ſhall purchaſe the ſame, and give ſuch deed or deeds to the purchaſers as is herein before provided to be given by the commiſſioners making ſale of the ſame, ſubject to the ſame rules as are herein before provided in the caſe of the commiſſioners making deeds—and the money or monies

Court may ſell the ſame.

so received by the said court shall be paid over to the treasurer of the county and be a fund for county purposes, as the court shall direct.

How the county lines when doubtful to be ascertained.

Sec. 9. *And be it further enacted*, That whenever it shall appear to the court of common pleas or county court of either the county of St. Genevieve or Washington county herein erected, that the boundary line or any one line of their county are not sufficiently ascertained, it is hereby made the duty of the court of common pleas or county court to issue an order to any person whom they shall select as a surveyor of the county, requiring him to ascertain and survey such line or lines—and it is hereby made the duty of the court making such order of survey, where the county line or lines are to be run to give notice to the court of the other county adjacent, declaring their intention of running the line or lines of said county—and the said court, receiving such notice shall issue a like order directed to any person, surveyor of their county, ordering him to proceed with the surveyor of the other county to run such line or lines of said county or counties, at such time and in such manner as shall be fixed upon by the surveyors of said counties: *Provided always* that said surveyors shall as soon thereafter as may be, make out a return of such survey to the clerks of their respective counties whose duties it shall be to make record thereof.

Sec. 10. *And be it further enacted*, That

Surveyors' compensations.

the furveyors ſhall each receive for their ſervices done conformably to the directions of this act ſuch compenſation as may be allowed by the court of common pleas or county court of the county to which he belongs, to be paid out of the county treasury as the court ſhall direct.

Commencement of this act 1ſt Nov.

Sec. 11. *And be it further enacted*, That from and after the firſt day of November next, the ſaid county of Waſhington ſhall be veſted with all the powers, privileges and immunities of a ſeperate and diſtinct county: *Provided* that it ſhall be lawful for the coroners, ſheriffs conſtables and collectors for the county of St. Genevieve to do and perform all the duties which they are or may be required to do in their reſpective county, within the bounds of the ſaid county of Waſhington as before this act takes place; and all ſuits and actions which are or may be pending in the county of St. Genevieve at the time of the diviſion ſhall be tried and determined in the ſame manner as tho' a diviſion never had taken place—and the ſaid pleas, actions and ſuits both civil and criminal which ſhall or may be pending in the ſaid county of St. Genevieve on the firſt day of November next ſhall be proſecuted and carried into final judgment and execution—and all taxes, fees, fines judgments and forfeitures which ſhall be then due, or may become due in purſuance of ſuits, proceſs, taxes or proceedings then commenced or ſerved, ſhall be collected by the officers of the county of St. Genevieve

Continuance of the powers of the officers of St, Genevieve,

Suits depending in St. Genevieve ſhall be there decided,

Old officers to collect taxes fees &c;

in the same manner as if this act had never paſſed, any thing in this law to the contrary notwithſtanding.

In force for certain purpoſes—on paſſage—

Sec. 12. *And be it further enacted*, That ſo much of this act as requires the commiſſioners aforeſaid to take oath, give bonds, and make preparatory arrangements for the ſaid county of Waſhington ſhall take effect and be in force from and after the paſſage thereof—but the ſaid county ſhall iſſue no proceſs, pleas or actions; nor have any judicial authority until after the firſt day of November next, from and after which ſaid firſt day of November next, the ſaid county ſhall be an independent county for all purpoſes whatever except as is above excepted.

Generally if Not,

This act ſhall take effect and be in force from and after the firſt day of November next.

GEO. BULLITT,

Speaker of the Houſe of Repreſentatives.

S. HAMMOND,

Preſident of the Legiſlative Council.

APPROVED, AUGUST 21, 1813.

WILLIAM CLARK,

Governor of Miſſouri Territory.

A BILL,

Making a, ..priation for the year one thou-sand, ..ght hundred and thirteen.

BE *it enacted by the General Assembly of the territory of Missouri*, That there shall be paid out of the territorial treasury on the order or warrant of the auditor of the territory to discharge the debts of the territory, and for the expenditures of the territory for the year one thousand eight hundred and thirteen, not more than the following sum to wit: To the members, and officers of the present general assembly: and to the representatives and their clerk, who met at the seat of government in December last, for the purpose of nominating the legislative council, a sum not exceeding five thousand dollars.

Sec. 2. *And be it further enacted*, That there shall be paid to Pierre Chouteau, for a room by him furnished the house of representatives in December last, twelve dollars. To Charles Sanguinette for two rooms furnished for the use of the present general assembly, the sum of ninety six dollars. To Thomas F. Riddick for stationary furnished the present general assembly and house of representatives in December last, to be paid out of the first money which may be in the treasury, the sum of thirty nine dollars seventy five cents. For printing the laws passed at the present session, not exceeding three hundred dollars. To Andrew Scott the

fum of two dollars, twelve and a half cents, for articles furnished the present general assembly. To J. V. Garnier for a blank book, inkstand, inkpowder and quills, five dollars and seventy five cents, and to Joseph Charless for printing done for the legislature fifteen dollars.

This act shall take effect and be in force from and after the passage thereof.

GEO. BULLIT.
Speaker of the House of Representatives.
S. HAMMOND,
President of the Legislative Council.
APPROVED, AUGUST 21, 1813,
WILLIAM CLARK,
Governor of Missouri Territory.

TERRITORY OF MISSOURI.

SECRETARY'S OFFICE }
January 17th, 1814. }

I CERTIFY that the foregoing Acts of the Legislature, commencing with "An act providing for the government of the Territory of Missouri," ending with "A bill, making appropriation for the year one thousand, eight hundred and thirteen," and contained in ninety five Octavo pages, have been compared and found literally conformable with the originals preserved in my office.

FREDERICK BATES.

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